

7 W. f.

A
TREATISE
ON
POVERTY,
ITS
CONSEQUENCES,
AND THE
REMEDY.

Qu'on vante avec transport les vertus de sa nation, mais
qu'on ne soit pas aveugle sur ses vices.

HELVETIUS.

By WILLIAM SABATIER, Esq. K.

London:

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—
1797.

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TO THE
RIGHT HONOURABLE
HENRY DUNDAS,

ONE OF HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE,
&c. &c. &c.



SIR,

HAVING been flattered into the belief that the following treatise contains a plan, and some observations, not unworthy attention in the discussion of the “ Bill for the better support “ and maintenance of the Poor,” which, it is probable, may soon take place in parliament, I humbly beg leave, Sir, to offer it to the public under your auspices, with the pride of having already, in an instance of very great importance, received a testimony of your approbation, and in the hopes again to merit it in this.

I have the honour to be,

SIR,

With the utmost respect,

Your most obedient,

And very humble servant,

WILLIAM SABATIER.

London,
February 14th, 1797.

RIGHT HONORABLE

HENRY DUNDAS

SECRETARY OF STATE

H
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the proposed amendment of the 11th section of the Act of the 10th March 1820, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I have also the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I have also the honor to inform you that the same has been forwarded to the proper authorities for their consideration.

I have the honor to be, Sir, your obedient servant,

Wm. L. Murray

Attorney General

London

18th March 1821

A

INTRODUCTION.

SO much has been already said, and in vain written, on the subject of the poor, that the following pages come before the public under very unfavourable circumstances, particularly as it is the general belief that nothing new can be brought forward. Much certainly has been already said, and, notwithstanding this opinion, still more may be added. The great cause of failure hitherto is, that the surface only has been examined; and the radical defects have, of late years, increased to a canker, to the prejudice of those who require
more

more attention from the opulent than the prevailing fashions of the times seem disposed to afford.

The people of this country, when poor, are not of the ferocious temper which requires that harshness to regulate them we are apt to imagine; they only want steady and humane treatment in an early stage, which would save much of that rigour which our laws now threaten.

The amendment of an Act of Parliament, or the addition of a new one, to the great superfluity already in existence, unless it strikes at the origin of the evil, will have no good effect. We may patch it as long as two threads will hold together, the coat will still be an old one.

A manufacturer in a very great line of business once consulted me on a very important subject;

subject; no less than the thorough repair of his premises, which, in the course of near a century, had risen by degrees from a very humble cottage till several acres of ground were covered with buildings. On looking over them, "This, Sir, said he, is the first building erected by my grandfather, and in it, for a while, he carried on his little business; my father and myself have by degrees extended it as you see. But great as the works now are, by continual ill-executed and as bad concerted additions, nothing can be more inconvenient; and I am fearful of pulling down one part, lest the adjoining one should tumble with it: besides, I cannot stop my business so long at one time, or afford to spend so much money as would be necessary to replace, all at once, as much as we would wish."

After

After maturely considering the difficulties which offered, like Scylla and Charybdis, and recollecting the advice which Dædalus gave to his son, I recommended to the cautious tradesman the following plan: When we had made a draft of his premises, we drew designs for such a set of works as he thought would best suit him, if the whole of his shattered buildings were entirely removed; and then I advised him annually to assign a sum of money, in order to pull down a part, and to substitute it by new erections, to be substantially executed, according to the design which had been agreed on between us. In this methodical circumspect manner, his works, in the course of a few years, became as convenient as they had been otherwise, and an ornament besides, instead of a disgrace, to his ample fortune.

Thus would I recommend it to the legislature to follow this example; to which end

the following pages are offered to their attention, as they point out some of the latent errors of the present system, and offer a few hints towards a better.

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A TREATISE,

A
T R E A T I S E,
&c.

W H O A R E P O O R.

TEMPORAL good and evil are in a great measure comparative, but wealth and poverty can be much more positively defined; we will therefore endeavour to confine our designation of poverty to some fixed standard, to a rule that will admit of no exception; for were we to say, such are poor who are unable to live in that line of life in which they were brought up, this would be true, but comparatively only; for example,

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Suppose a foreign nobleman in his native country, possessed of a variety of mansions, both in town and country, with a suitable train of servants and carriages, besides every other convenience which can administer to comfort and luxury ; this man, by a succession of misfortunes, is exiled from his native country, but brings with him such a sum of money as will not only enable him to procure for himself and family such cloathing and food as are absolutely necessary to support them in health ; but more, it will afford them such apparel as will make them appear like the generality of the society they live among ; it will enable them, instead of fifty, to keep two or three servants. Such a man, compared to his former state, feels himself to be poor, and under that comparison the world will say he is so.

His neighbour, by a course of industry, has risen from a state of indigence to the comfort of being able to cloath himself and family well, to keep a good substantial table, his furniture is neat and plain, every thing about him indicates plenty and content ; in short, except by his manners and conversation, you could not know the nobleman from his neighbour. Speaking of the latter, we would not call him
poor ;

poor ; no, far from it, when compared with his former condition, he is rich. And yet the one and the other of these men are in the same positive, though not in the same relative situation.

Any one who spends more than his income, may, in one sense, be said to be poor ; but this is not sufficiently explicit ; because there is no sum, which it is possible to comprehend or explain by arithmetic, that may not be rendered insufficient to support extravagance.

Poverty, therefore, if properly considered, may be defined to consist in that situation of life, in which any one, incapable of sufficient personal exertions, and possessing no property or absolute claim, is deficient in the means of existing in corporal health without some auxiliary aid.

Under this positive definition, I mean to consider that class of people who will become the chief objects of the following pages, with which I shall occasionally include those, who, by the wisdom of the legislature, are exempted from all taxes levied on persons, lands, or

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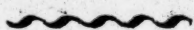
dwellings,

dwellings, either for the exigencies of the state, the county, or the parish.

Having thus defined *who are poor*, we now proceed to enumerate and comment on the causes of poverty.

CAUSES

CAUSES OF POVERTY.



POVERTY is occasioned by such numberless causes, that it would require a large volume to enumerate them, and after all our pains, we should daily have fresh matter to add to the catalogue. Thus much, however, is certain, that it generally proceeds from our own misconduct, or that of others; and if we amend the former, and guard against the latter, we shall more frequently succeed than if we derive the causes from, and trust to supernatural events for a remedy.

In treating this subject, we will include not only those who become poor by misconduct, but those who remain so from the same cause.

We generally impute the first to the prevailing luxury and increasing vices of the age we live in, which is doubtless a vulgar error taken up with carelessness.

If by luxury it is only meant that the inhabitants of these islands spend more money now than they did formerly, it is most certainly true ; and the reason is, that we have been, and still are progressively and increasingly opulent. —If *extravagance* is meant, the degree of it must still be measured by the ability, for nothing is extravagant that is strictly confined within one's income. The *propriety* of our expenses is another subject ; for the very same act may be as improper in the rich as in the indigent ; the pecuniary discretion then is alone what constitutes the difference. The only question is, whether the act is wrong in itself, whether the aggregate practices and sentiments of individuals form a public and a private character, which at this time is more wicked and more vicious than formerly. Our history and our experience say no. Formerly the theme was chaunted on the nobility and clergy, because they alone were rich ; and now that the latter are more confined in their incomes, the same extravagance and vice is imputed to the great body of the people ; but declamation, either ancient or modern, is not the criterion by which to judge with candour on the subject. We should consider it by the general effects : thus, though it may be wicked
for

for a single man to pick a pocket, or with a pistol to rob on the highway, as is frequently done at present, it evinces more general vice for each chief and his tenants through a whole nation openly to plunder every neighbour they can conquer,* or for a gang of Robinhoods to reign triumphant, in spite of the laws, so as to oblige the peaceable inhabitants to enter into associations, and to travel in company for mutual defence, because those laws are unequal to their protection.†

If a religious sect differ in opinion with us, it would be the height of wickedness and cruelty to tie them to the stake and burn them, because they cannot think as we do. But if that sect show by their general and particular conduct, that they would now, as they actually did formerly, overturn our political constitution, it is no wickedness, it is no persecution, if we exclude its members from those rights which the rest of our fellow citizens enjoy, provided it appears that such political liberty would enable them to execute the full tenor of their malice.

* Pennant's Scotland.

† Hume's England.

Our private vices and habits must in the same degree affect our bodies and our minds, as our public ferocity and cruelty would our manners ; but if our persons were less fitted for labour than formerly, we should materially differ in shape from those ancient statues which are now in our possession : and if our literary productions were less vigorous, it might be brought as an argument of debility of mind. But this is not the case, for daily experience and ocular demonstration prove the contrary.

From hence we may conclude, that what is usually termed luxury, is not censureable, unless it is vicious or injurious to our healths or to society, for we have proved it to be, that expenditure which is beyond our finances, and for those articles which debilitate our minds and bodies. If, therefore, we may judge from the present manners, on a comparison with those of other times, the existing generation is not only less vicious, but far more virtuous than any former one on record in our history.

We now return to our subject, which is to point out the causes of poverty.

First,

First, Those which occasion a descent to poverty.

Second, Those which prevent a rise from it.

The want of *suitable* punishments is a great cause of poverty,* so is the *uncertainty* of them; for as extravagant people are generally idle, so the punishment should be the very thing they most dislike, and as they dread the punishment, they should be certain of it.

Every temptation to extravagance or vice is a cause of poverty, and should never be countenanced by the laws, unless it appears that the advantage to the public is greater than the injury done to individuals, which is seldom the case, because it is the superior number of individuals liable to the effect which constitute the public.

The want of clear accounts is a uni-

* The severity of the present punishment induces humane creditors to pardon fraudulent bankrupts, and it is very frequently the uncertainty of it which occasions those which arise from too extravagant living, and too extensive speculations.

versal cause of poverty.* It is the worst evil that can befall a man who has more property to manage, either belonging to himself or others, than he can retain in his memory. And this rule is most infallible, whenever a person feels reluctant to examine his affairs and post his books, he is approaching to destruction; for a man who is thriving takes pleasure in counting up his profits.

Unlimited credit and confidence in others is another cause. We should trust no one beyond reasonable bounds, and that excellent apophthegm, "short reckoning makes long friends," should be in every one's memory, though on account of its triteness never in his mouth.

An irritable temper is a great cause of poverty; with it, if in business, we disgust all with whom we deal, and in any situation it tempts us to go to law for every trifle; a man by it at last will get at variance with all the world, till like a savage "his hand is against

* No bankrupt should ever be allowed a certificate who cannot produce a complete set of books, and who cannot prove that his failure proceeds from unavoidable misfortunes, amongst which deep and hazardous speculations should never be admitted.

“ every one, and every one’s hand is against him.” It engages him in a series of broils and quarrels, which occasion battles, and these are often the cause of blindness and broken limbs, ruptures, and other disability.

A foolish propensity to indulge our fancy in every thing we see, that incitement to purchase trifles which are of no use whatever, is a cause of poverty ; to which we may add, the vanity of showing our abilities in arts and employments to which we have never been accustomed. In this last instance we ought to recollect, that all employments which have profit for their object, will, if the art is known, like water find its level : let them be ever so lucrative at first, the gains in the end must be moderated and proportioned to the risk, the skill, or the capital ; and those are most likely to possess the skill who have been educated in the business.

In this respect agriculture is chiefly bewitching, and equally deceitful ; it has that simplicity of appearance which gives golden hopes by the most pleasurable means. There is in it something so native to every man’s feelings, that he views the roses only, he never
sees

sees the thorns ; he is yet to learn the toil, the disappointments, the care and anxiety ; the artful tricks of servants, the skill requisite to buy and sell, and that combination of judgment which is necessary to adapt every different grain to its congenial soil. He only reasons, that as this business is in general followed by a set of people who are ignorant of almost every thing else, *his* superior education must be equal to *their* practice. But in this he will find himself mistaken ; the natural intellects of one class of men are equal to those of another. Our common farmers having been in this line for many years, and generally from their infancy, have acquired a real knowledge in the profession. Their speech may perhaps be unequal to the task of explaining their system, but their practice in general is attended with more profit than that of our gentlemen farmers ; and from this circumstance I am inclined to think, there is in the business something which is not to be attained by the reading of the best theory, or by intuition.

These are a small proportion of those causes which bring people to poverty ; we will now proceed to enumerate some of the many which prevent their rising above it.

The

The poor are too apt to fancy that their humble situations proceed from the oppression of the rich, and this idea is encouraged by artful and designing people, who are continually on the watch for some of those contingencies which never fail to present themselves in time of war, or after a very long peace. But were the poor to spend no more than is necessary to support them in corporal health, the wages which they get for their services, and the money they earn from their trades, are in general amply sufficient to effect this, and to lay by in a very few years what is necessary to put them into such a line as would lead to opulence: for when we recollect that one penny a day amounts to 1*l.* 10*s.* 5*d.* a year, we must be sensible there are very few incapable of sparing something from their earnings. It must, however, be confessed, that taking the present state of the poor into consideration, the resolution necessary for accumulating such a saving is very great, and it will never be accomplished except promoted by a previous tuition. To this end the tontine scheme was put in practice, and it is certainly the most laudable and effectual institution of the kind that ever was thought of;—it is one other addition to promote the *ability of rising to pecuniary independence,*

independence, for there are many people who having once acquired a trifle beforehand, would be induced to go on, that now designedly spend every thing they get possession of. Tontines, however, are yet in their infancy, and at present exist only in some great cities: a caution is therefore necessary, not to suffer one to fail from mismanagement or fraud; for, should that ever be the case, there will be a general stop from one end of the kingdom to the other. This irresolution to save, and not the want of sufficient wages, is a radical cause of a continuance in poverty; else whence is it, that, in London at least, so many of the labouring people can afford to be absent from their work on Monday. It is a saying, that “ Saint Monday is the greatest vagabond in the “ Kalendar.” The usual wages of a porter and a common labourer are twelve shillings a week,* and there are many who are, in a general way only, sober and industrious, that contrive to support a wife and two children decently and in health by their own wages, and by some trifle besides, which is earned by the former. A man, therefore, possessed of a

* Since the commencement of the war a porter's wages have risen to fourteen shillings a week.

trade, and who gets a guinea or twenty-five shillings a week, can blame himself only if he does not rise above dependence.

Another cause is buying unprofitable food, and the mismanagement of it afterwards ;—tea, with bread and butter, is a very improper breakfast for any person who works hard. So are cheese and porter ; the former of these has in it very little nourishment, and the latter is too costly.

Every thing that will contribute to save only one penny a day in a poor family should be considered an object of importance ; and a more easy means is not to be found, than baking a sort of bread which is as wholesome as any other, and yet cheaper. This is a very common practice in America ; but experience has proved, that here, the gipsy under the hedge, or the beggars in the streets, would scorn it.

Feeding pigs, cats, dogs, and birds, assist in keeping people poor : the first are intended for profit ; but as the poor never calculate their expenses, so they never know the real worth of any thing. A pig, if it runs about,
consumes

consumes time in looking for it ; it frequently gets into the pound ; it eats up the scraps of the family where there should be none ; it occasions the boiling of victuals simply for the sake of the pot-liquor, and that is the mode of dressing food which retains in it the least nourishment of any other ; then this stunted, half-starved creature must be fatted, and will, in the end, cost more than three times the value of the meat. As to the other animals, people never pretend to keep them for profit, what they consume is evidently a total loss,

The habit which poor people are in of giving their children money to buy fruit and tarts, if frequent, becomes a bad practice ; if now and then only, and for ripe fruit, it is of service to them : at any rate it assists to increase expenses, and should, therefore, be avoided, where industry and management are to be the steps to fortune. For there can be no doubt, that, in Great Britain at least, any one possessed of mental and bodily health, has the ability, by saving and perseverance, to arrive at a comfortable independence from the lowest indigence. Numberless are the instances which might be brought in proof. We have seen the eldest son of a peer, who possessed every advantage which
a good

a good education, a fine person, and elegant manners could give him, by a course of the utmost profligacy and extravagance, in want of bread to eat, and driven at length to the necessity of enlisting as a common soldier. And we have also known a man, whose origin was so low as to be an errand-boy, become governor of the Bank of England, alderman, sheriff, lord mayor, and member of Parliament for the city of London.

Let every poor man, therefore, before he complains, lay his hand to his breast and say, whether he has done his utmost to extricate himself from his indigence; let him seriously reflect, whether, when he has earned money by industry and hard labour, he has not himself spent it in drunkenness, gaming, or other improprieties; whether he has not permitted his family to indulge in excesses of some kind unsuited to their station: or whether he does not plead guilty to some of those causes which are above enumerated as the promoters of poverty. If his conscience tells him he is innocent, and that in every thing he has done his utmost, let him persevere, and, if possible, let him redouble his efforts, for “time and chance happeneth to all men;” if guilty,

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he must correct all his extravagancies and neglects, and recollect that nineteen out of twenty of those whose situations are now his envy, originated from distressed circumstances; and that it is more than probable, in this country at least, there is not so much as that proportion of the people who can count four generations from perfect indigence. If the poor would but reason thus, they would look on their employers as their friends and patrons, and confess, that it is through them alone they can hope for independence. It is the rich who furnish the industrious with employment; this is evident, for if there were no rich, who would be found to consume those endless superfluities which constitute three-fourths of our manufactures? Our natural wants are but few, but our comforts and superfluities are numerous. The unequal distribution of riches, so far from being any real cause of regret, is a happiness, as being an incitement to industry, which not only produces riches, but as high a relish for their enjoyment as hunger does for food: those, therefore, are the most unhappy who are deprived of the means of industry.

When people afford employment, in order to increase their property by the poor
man's

man's labour, the risk which is run, and the many consequent anxieties should make the latter remember, how small a portion of these fall to his lot; he receives his wages, and seldom has a thought beyond the present moment: whilst the merchant and shop-keeper, who run the risks of trade, and the farmer the hazard of the seasons, look with anxiety to the day of payment, the event of which depends, perhaps, on a thousand contingencies. But people seldom reflect beyond their own feelings; if they were candid and observing enough fairly to compare the good and the evil which accompany the stations of others, there are very few who would exchange the whole of their own for any other situation whatever. But the best of us knowing the extent of our own, perhaps exaggerated, sufferings, have no leisure to examine the afflictions of those who even live in our immediate neighbourhood, much less do the ignorant know any thing of the lower ranks in other countries.

In every state in Europe, except the British dominions, the poor are oppressed to a very great degree; for they have not a sufficient or reasonable *ability* to rise above poverty. In those even which we consider as the most free,

the poor are not the objects of legislative and private attention which they are in England. Those of Switzerland and Savoy, for example, unable to earn more than a bare living in their own country, and that with difficulty, though educated in all the arts of thrift, carry that frugality, which experience has proved to be insufficient at home, into other states,* where we are led to believe the subjects are drained by the avarice and oppression of their princes and clergy; and yet these people generally return from thence, after a number of years, with an independency. This defective *ability* of rising above labour is the true reason for their emigration; no one will go any considerable distance to glean, unless he is deceived, if he can do the same in the next field; and their invariable return when it is in their power, for no people on earth, when abroad, have the "*mal du païs*" so completely as the Swiss and Savoyards, is a convincing proof that such emigration is the effect of necessity. The maxim, by which in most other states they raise taxes, is to lay them on the poor and to exempt the rich; but in this country we practise the reverse, and the poor man alone is freed: for

* M. Helvetius, tom. iii. p. 87—ibid, tom. iv. p. 485.

he must rent or possess to the amount of a certain property in lands or tenements before the principal burdens of the revenue can affect him, and even then only, in a progression which is regulated by the worth, or by the yearly rent. Leather, beer, candles, soap, and coals, are the only articles absolutely necessary to the poor, and which are subject, at the same time, to taxation; for it is the object of our legislature, as often as possible, to impose taxes on the *luxuries* rather than on the *conveniences* of life; and were the poor to contribute less of their assistance in that most destructive practice of smuggling, the legislature would be the better able to ease the *necessaries* above enumerated. But whilst the difficulty increases of taxing foreign articles for fear of its operating as a bounty to an illicit trade, there becomes a greater necessity of continuing the excise on those few articles, which, under other circumstances than the present demands of government, would most certainly be totally free. That this is the spirit which actuates Parliament, no one who has paid attention to their proceedings can doubt. In debating every bill, it is the first object to consider how far it affects the poor; the true reason of which is, every one is perfectly impressed with the liberal principle,

principle, that the necessity of labouring for a living is a sufficient tax on any one, and that every assistance should be afforded them in order to give them the *ability* of rising above want. But it requires great skill to manage the poor; for, like the soil, they bear crops in proportion to the judgment with which they are cultivated; give them too much or too little, the consequences are equally injurious to themselves and to others: by the former they become rank and luxuriant, and produce nothing but straw; by the latter, weak and heartless, they bear briars and thorns, which, in time, will become a harbour for vermin to desolate the land.

In justice, however, to the lower ranks of the people, it must be confessed, that they are better than the same class in many other countries, and in the north much more decent and regular, since the union, than in the south of Britain. When, therefore, we make use of such terms as *the lower class of people—the poor—and the lower ranks*—it should be understood, that they are not meant as terms of reproach or contempt, but to distinguish the good citizens, whose circumstances oblige them to resort to labour in order to procure a living, from those vagabonds who are in continual

opposition to the laws. These last exist more or less in all countries, but especially in great cities. Formerly they swarmed in England, and still more in Scotland, but now their numbers being thinned by transportation, a more watchful police, national prosperity, better education, and a variety of other causes, they are only to be seen in any formidable bodies at the time of riots, when one would wonder whence such horrid looking savages could issue, for we never see them publicly at any other times ;—they are the same in the political world, as the effects of dirt and inattention are in the animal. The misfortune is, that these wretches, living by house-breaking and other similar crimes, and harbouring in the crowded parts of the different cities, are out of the reach of the greatest exertions to detect them, and are, therefore, always ready to riot and to plunder. It is no small addition to this evil, that we have amongst us a set of people who affect to be called patriots, and, who, viewing the happiness of our civil and political society and government with a jaundiced eye, avail themselves of any means, and of every opportunity to disturb it. The political asperity, which these people possess, is a means and a cause of poverty ; and as it has a most baneful influence

on the poor, and all who have the misfortune of being infected, it becomes necessary to treat of it in a particular manner here.

It is not very difficult to distinguish a patriot, whose object is to excite sedition in those whose circumstances cannot be injured by a change:—he ever sets the best actions in the worst light, and never gives his opponent credit for any thing; what is bad, for every thing cannot be perfect, is rendered as dark as possible; every trifle is persevered in with a pertinacious obstinacy, which distinguishes little minds, and until that vigilance, so necessary on all public actions, is lost: for when we are continually alarmed with the cry of wolf, and meet a repeated disappointment, we are found remiss when the danger comes. It is a misfortune to the nation, and then only is it in danger, when the opposition to government is too small, or when, by wanting candour, they dwindle into contempt. They have then the interests of the poor continually in their mouths; but we may always observe that their eloquence is principally directed, not to guide the indigent to sobriety, industry, and content, for that they never think of, but to point out the invidious distinctions between them

them and the rich. Oppressive taxes, say they, and avaricious landlords, are the sole causes of poverty, and the overthrow of the existing government is the only means of redress; the present ministry is always the worst we ever knew, for there never *is* an honest man in office; former times witnessed the glory of old England, but now we are an infatuated, undone people, detested by all Europe, and on the eve of a civil war.

The *authors* of this class, knight errant like, are always armed *cap-a-pié* for the fight; environed with common place cant, they stand in never-sleeping order of battle, sounding the the same hostile notes, though refuted eternally both by reason and experience; and though killed, like Bays's troops, they die to rise again. Of this rank is a lady, whose poetical abilities have placed her in the most elevated groves of Parnassus, but who, condescending to become the Amazonian champion of sedition, gives us reason to regret the lavish use of talents, which, if confined to that enchanting walk more desirable in her sex, would, like the sweet bird of night, sooth the soul to kindness and affection. Well have those poets, from whom we derive the greatest store of just and pleasing sentiments,

timents, fancied the most delightful passions incident to our nature under a female form ; and with equal judgment have they selected the female sex to represent the furies. This lady, when she touches the warbling lyre, is an ornament to society ; and blowing the shrill trumpet of discord, she shews us how well fitted the fair sex is for the most contrasted passion. I was led to these reflections by accidentally reading the following passage extracted from a small publication, called “ Remarks on Mr. Gilbert Wakefield’s Inquiry into the Expediency and Propriety of Public and Social Worship.”

1. “ So high and haughty is the spirit of
“ aristocracy, and such is the increasing
“ pride of the privileged classes, that it is
“ to be feared, if men did not attend at the
“ same place here, it would hardly be be-
“ lieved they were meant to go to the same
“ place hereafter.”

2. “ It is of service to the cause of freedom
“ therefore, no less than to that of virtue,
“ that there is one place where the invidi-
“ ous distinctions of wealth and titles are
“ not admitted ; where all are equal, not by
“ making

“ making the low proud, but by making
“ the great humble,

3. “ How many a man exists who possesses
“ not the smallest property in this earth, of
“ which you call him lord, who, from the
“ narrowing spirit of property, is circum-
“ scribed and hemmed in by the possessions
“ of his more opulent neighbours, till there
“ is scarcely an unoccupied spot of verdure
“ on which he can set his foot to admire
“ the beauties of nature, or barren moun-
“ tain on which he can draw the air, with-
“ out a trespass.

4. “ The enjoyments of life are for others,
“ the labours of it are for him,

5. “ He hears those of his class spoken of
“ collectively as of machines, which are to
“ be kept in repair indeed, but of which the
“ sole use is to raise the happiness of the
“ higher orders.

6. “ Where, but in the temple of reli-
“ gion, shall he learn that he is of the same
“ species ?”

This

This passage, from its comprehensive conciseness and Jacobin sentiments, may truly be termed the Sans-culotte creed, and is surely much better calculated for the meridian of Paris than of London. In order to appreciate the real value of this elegant morceau, we will, by stripping off its ornaments, reduce it to that primitive state in which those who have read the history of this country, during the middle of the last century, will be able to discover an old acquaintance,

1. It begins by artfully raising the *aristocracy* much higher, and insinuates them to be more numerous than they really are.

2. *The invidious distinctions of wealth and titles* are clasped together and brought so near to the former passage, that a stranger would suppose in this country now, as formerly in France, all wealth and honours were exclusively confined to the *aristocracy* and the *privileged classes*,

3. The next lines insinuate, that every man, as *lord of creation*, has a title to some share of its terra firma, in order to *admire the beauties of nature*, on which, if he makes
a tref-

a *trespass*, even to draw the air, he is liable to a *prosecution*.

4. We then are taught that the poor man never enjoys any kind of pleasure, but a perfect drudge, he is obliged to work for an unrelenting master.

5. This poor wretch, a slave to *the higher orders*, has, besides his bodily sufferings, the mortification to hear himself, and those who are kept in the same villanage, continually treated with contempt, and considered as less than human ; and if their tyrants do feed them, it is only because they could not otherwise procure the necessaries, the conveniencies, the superfluities, the luxuries, or, in short, the *happiness* of life, which the laws and omnipotent custom exclusively appropriate to the *higher orders*.

6. *Where*, if they had not been told it by this religious, philanthropic lady, could the poor wretches have heard that they actually are of *the same species* ?

I leave

I leave it to others to determine, how far this parody is fairly made, and shall now attempt a refutation of the calumnies contained in the text.

The *spirit of aristocracy* can signify nothing more than the opinion which the nobility have of themselves, or that which others, who are no part of the aristocracy, entertain of them.—We will first collect their numbers, and then examine their influence on the people at large, and on the electors and members of the House of Commons—

	England.	Scotland.	Ireland.
Dukes - - -	24	13	4
Marquises - -	8	2	5
Earls - - -	88	43	61
Viscounts - -	13	4	55
Barons - - -	88	25	57
Bishops - -	26	0	18
	<hr/>	<hr/>	<hr/>
	247	87	200
In the English list		22	28
	<hr/>	<hr/>	<hr/>
	247	65	172
	<hr/>	<hr/>	<hr/>
Total - -	484		

which

Which, supposing these two islands to contain thirteen millions and a half of inhabitants, is in the proportion of one to every 27,892 souls. These are all that can in this country be denominated aristocracy.*

The nobility who sat in the House of Lords in the reign of Henry the Eighth, were, according to Judge Blackstone, who cites Sir Edward Coke for his authority, not more numerous than the Spiritual Lords, and these last consisted of two archbishops, twenty-four bishops, twenty-six mitred abbots, and two priors;† in all fifty-four. Which is a proof that even in the most arbitrary reign this country ever experienced, the sovereign did not consider the nobility calculated to support his unconstitutional power, but took care to balance them with those on whom he could more implicitly depend. Another circumstance is no

* The addition of the Baronets, for they have titles, though no part of the aristocracy, would increase the numbers, deducting those who are Peers, to 1255, or an average of one to 10,757 inhabitants. It is true that the sons of Dukes, Marquises, and Earls, have a title by *courtesy*; but besides their not being numerous, they cannot without much trouble be ascertained, and if that was not the case, the accuracy would be of no consequence, for they have no greater privilege than the most insignificant individual.

† Bl. b. 1, ch. 2, pa. 155.

less remarkable. “ Once, in the reign of Queen
 “ Ann, there was an instance of creating no
 “ less than twelve (peers) together; in con-
 “ templation of which, in the reign of King
 “ George the First, a bill passed the House of
 “ Lords, and was countenanced by the then
 “ ministry for limiting the number of the peer-
 “ age. This was thought by some to promise
 “ a great acquisition to the constitution, by re-
 “ straining the prerogative from gaining the
 “ ascendant in that august assembly, by pour-
 “ ing in at pleasure an unlimited number of
 “ new created lords. But the bill was ill re-
 “ lished, and miscarried in the House of Com-
 “ mons, whose leading members were then
 “ desirous to keep the avenues to the other
 “ house as open and easy as possible.”* And
 they were perfectly right; for, however it may
 suit the purposes of those who wish the de-
 struction of our most excellent constitution to
 declaim against its aristocracy, the true friends
 of their country then, as now, were sensible
 that “ a body of nobility is more peculiarly
 “ necessary in our mixed and compounded con-
 “ stitution, in order to support the rights of
 “ both the crown and the people, by forming

* Bl. b. 1, ch. 2, p. 157.

“ a bar-

“ a barrier to withstand the incroachments of
 “ of both.”* And though this might not be
 the sole cause of rejecting the bill, the Com-
 mons shewed, by their conduct on the occa-
 sion, that they had no idle nor splenetic jea-
 lousy of those who they knew in many in-
 stances had saved their country from impend-
 ing ruin. The truth is, that the aristocratical
 branch of our constitution has more temper and
 steadiness than either of the others, and of this
 our republicans are now, as they have long
 since been, perfectly sensible; for “ when in
 “ the last century the Commons had deter-
 “ mined to extirpate monarchy, they also
 “ voted the House of Lords to be useless and
 “ dangerous.”†

The word *privilege* implies an immunity,
 peculiar right, or exclusive advantage; we
 will now inquire what those are which be-
 long to the nobility. As members of the legisla-
 ture they have these that follow :

1st. Liberty of speech in Par-
 liament.

2^d. Freedom from arrests in
 suits of law.

These also belong to
 the members of
 the House of
 Commons.

* Bl. b. i. c. 2, p. 158.

† Ibid.

3^d. They are attended in Parliament by the twelve judges and masters in chancery.

4th. They may vote by proxy.

5th. They may enter their dissents on their journals.

6th. All bills which may affect the peerage must originate in their house ; nor must those bills undergo any alterations in the House of Commons.—The other House has one similar to this in regard to money bills.

7th. Every spiritual and temporal Peer, both when he goes to, and when he returns from Parliament, may kill one or two of the King's deer without a particular leave. 9 H. 3.

The Peers formerly possessed many other privileges, which were all made void by 12 W. 3. —2 & 3 Ann.—11 G. 2. & 10 G. 3.

The fair authorefs of the pre-cited quotation, when she wrote it, took for granted what she had been accustomed to hear uttered by prejudiced people of her acquaintance. As a lady and a poetefs, it cannot be expected she should
be

be so well versed in the constitution of her country as those whose habits in life make it more familiar; but then it is great pity she should venture on a subject, which, by being handled with indiseretion, and cloathed in elegant language, may impose on those, who, ignorant themselves, take every bold assertion for truth, without that investigation which it is prudent to bestow on a subject of importance. But perhaps I am mistaken, and the lady only ventured on an error, rather than obliterate a well turned period. We will now return to examine the wealth of the nobility, and as their privileges will give them no influence, we will see whether that, or any thing else they possess, can influence the courts of judicature.

If we calculate the wealth of the peers at an annual rental of 7000*l.* each for the three kingdoms, which is by far too great, it amounts to three millions and three hundred and eighty-eight thousand pounds; and if we take the thirteen millions and a half of people, and average their's at 2*s.* each a day, which is by much too little, it amounts to four hundred and ninety-two millions seven hundred and fifty thousand pounds. By this calculation it must appear demonstrative, that what can possibly

sibly be spared out of such an income, will not suffice to influence the people in a mass. We will next proceed to the courts.

Lord Bacon, in the beginning of the last century, was accused of bribery and corruption, and though High Chancellor of England, and one of the most learned men of his time, was found guilty by his peers and fined.

Lord Ferrers, in the year 1760, committed murder on his steward, and being tried by the Lords, was condemned and hanged.

Lord Abingdon, in the year 1795, was tried for a libel on a Mr. Sermon, an attorney, by printing a speech which he had delivered in *the House of Peers*, and being in the court of King's Bench, before Lord Kenyon, found guilty by a jury of *commoners*, was sentenced to three months imprisonment in the King's Bench prison, fined 100*l.* and to give security for his good behaviour during three years, himself in 200*l.* and two sureties in 100*l.* each. From these few instances, for, to the credit of the peerage there are not many, we may safely conclude, that under our constitution a Peer can no more infringe the laws than a Commoner.

I be-

I believe it will never be disputed that our laws act equally on all the subjects of the empire ; nor that a Peer, any more than a beggar, can do an injury to the meanest of his fellow subjects without incurring the penalty of his transgression ; indeed, if there is perfection on earth, it is on an English bench. I believe we must give up our search after the *privileged classes*, for I am convinced we shall not find them among the nobility ; we might perhaps discover something of the kind in the charter of the city of London, and other corporations ; but as the lady's sense of propriety could never have intended such lofty language for any other than the *higher orders*, we will leave the good citizens in quiet possession of what I believe the aristocracy will never envy them ; though it must be confessed that every advantage which the public at large could derive from *their chartered privileges* is long since accomplished. It does not then appear that in criminal causes the personal influence of the aristocracy, either in their own house, as a supreme court of judicature, or in the court of King's Bench, though presided in by one of their own body, can avail them any thing. Let us, however, still proceed, and examine the amount of their influence on particular persons, among the peo-

ple at large, and afterwards in the House of Commons.

The personal influence of a noble, or that of any other man, can extend, where the laws operate equally, no farther than his tenants, his tradesmen, or such whose persons are immediately employed by him, unless it is occasioned by that fair good will which is no more than a voluntary offering for abilities, or some other quality acceptable to those who make the return. Now, suppose a nobleman to possess an annual income of 7000*l.* one half in land and the other in tenements; the former at leases of 200*l.* each, and the latter at 20*l.* and that they are all under his Lordship's influence; the number amounts to 188 only, which, among 27,892, is no very large proportion of the public; how many thousand manufacturers have ten times that number in their immediate employment? But this is more than the truth, for it does not necessarily follow, that because a man rents a house, he must be under his landlord's political influence; though it must be confessed, that if he takes a farm on lease, and that lease is a short one, provided he has no other dependance, it is more than probable he would be. Those, however, who
are

are employed by the tenant must not be supposed on that account to be influenced by the landlord, as every one acquainted with country people will no doubt confess. Should the nobility, however, by any means whatever, procure a decided influence in a number of small communities, which have the election of members for the House of Commons, and should the aggregate amount of the numbers so returned, occasion an undue influence in that assembly, the public would have reason to dread the consequences. We will therefore proceed to the examination of a circumstance which it must be confessed is an important one, and I enter on the subject with diffidence, as wishing to soften the asperity of that censure which is generally thought to be well founded; and yet sensible that so great a constitutional lawyer as Judge Blackstone, amongst many others, seems to lean against me, though not decidedly, for he only speaks of a *change*, where he says, “if any alteration might be wished or suggested in the present frame of Parliaments, it should be in favor of a more complete representation of the people.”*

* Bl. b. i. c. 2, p. 172.

The House of Commons consists of 558 members ; and, according to the publications which were made some years ago in order to prove the extent of an undue influence, the numbers were as follow :

38	Boroughs and towns said to be			
	returned by commoners, at			
	2 each	-	-	76
16	Do. do. by peers and com-			
	moners jointly	-		32
64	Do. do. } by peers { 2 each	128		
4	Do. do. } only { 1 each	4		132
<hr/>				<hr/>
122				240
<hr/>				<hr/>

As this statement was made with a design to remove the apparent evil, we must suppose that it does not fall short of the truth, though one would suspect it rather exceeded, when we see three towns in the list that contain 1000 voters, and two of 800 each. As, however, no influence can be injurious if there is an equipoise to it, the 32 which are sent jointly by peers and commoners must be put out of the question ; and, deducting the 76 which are returned by commoners from the 132 returned by

by peers alone, leaves a superiority in the latter of 56 members to be counter-balanced by the 318 which are confessed to be independently elected.

Perfect independence is no where to be found, for we are all at times influenced by some motive or other besides that which proceeds from truth. Many a man thinks he has that bright star of perfection in view, and yet is biaſſed by some paſſion, weakness, or miſ-judgment, which influences his beſt intentions. That action alone is virtuous or vicious, not as it is right or wrong, injurious or beneficial, in its effects, but as it proceeds from a virtuous or vicious deſign. Men well educated and informed in the habits of the world are therefore beſt calculated for the office of ſenators, for they are moſt likely to be uninfluenced by improprieties, as being poſſeſſed of judgment and diſcernment. But ſtill a human being, however complete his knowledge, will be in ſome degree influenced by his particular pecuniary intereſt: he who derives his income from lands or merchandize will unintentionally lean towards that ſcale which bears the weight of his intereſt; his neighbour's ſcale will generally be found wanting, and prove a ſecondary conſideration.

It

It therefore becomes necessary that every interest whatever should have its proportioned representatives in the great assembly of the people. Members from counties are best calculated, in general, to defend the landed interests; those from cities, trade; universities, learning; and boroughs, when under influence, but not otherwise, the other interests of every denomination. If these last were to return their own members totally without influence, they would constantly become injurious to the community, instead of affording that benefit which they do at present. They would return members of their own corporations, and their confined educations and inexperience by superior proportioned numbers would greatly embarrass the rest of the House.—Unless there was a pecuniary or other interest which the voters valued more than that ascendancy, where would be the inducement to send strangers in their stead? And if the voters were so numerous in each town as to be above purchase, where would the army, the navy, the East India Company, the West India planters, the colonists, the funded and other monied interests, canals, mines, shipping, Ireland, the House of Lords, and the King, find advocates? not in the prejudices of farmers, landholders, merchants, and shopkeepers; and
be

be it remembered, that a negative even in the Lords should ever be avoided ; but from the King it never comes, except in cases of the utmost extremity.

The words bribery and corruption, when applied to boroughs, are often used to terrify the unthinking, but when we come to examine causes by effects, we shall not unfrequently find that the imputation is false in its consequences, though true in fact. The practice does not always introduce venality into the House of Commons, for many an independent member comes in by pecuniary influence. When the practice rises to an inordinate height, no doubt the House will apply a remedy.

The effects tell me that this reasoning is founded in truth, for on examining many of those questions, which in the Houses of Parliament are brought forward by the *outs* for the sole purpose of teasing the *ins*, we never fail to discover as great a proportion of these influenced borough members and their patrons on one side as on the other. Where, then, is the injury of this influence? in the same sources whence formerly originated the objection to the support of armies in times of peace,

peace, and the purchase of army commissions; sometimes in discontent, sometimes in misjudgment. As long as we see the general welfare on the increase, and our liberties, when necessary,* fenced in by additional security, why should we require any innovation? Who knows but the effects might prove fatal to the real interests and liberties of our country? We pardon the fly, which, crawling on the cornice of some stately edifice, censures a trifling imagined irregularity, because it has a microscopic eye; this a more noble mind will pass unnoticed, and, viewing the collected pile from a reasonable point, will admire the dignity, firmness, proportion, and beauty of the whole.

We now are come to what is marked as the third division of this subject.—An agrarian distribution, the uniform *promise* of all equalisers, is nothing but a trap; a promise which those who make, know perfectly well the impossibility of accomplishing. Suppose, for a moment, an equal division of property to-day; A, B, and C, go to the gaming table to-morrow—what becomes of the spirit of equality?

* Vide the decision in the Court of King's Bench on general warrants, trial on Somerset the black man, the jury-bill in trials for libels, &c.

it vanishes into vapour. Mark the justice also—Two men set out in life with equal contiguous property; the one, a sober, industrious being, rises early, watches late, and by attention improves the *beauties of nature*. His neighbour, a character the very reverse of the other, and, by an opposite conduct, neglecting to cultivate his own lands, comes in time to want the common necessaries of life; still retaining, however, a great admiration for the *beauties of nature*, he makes a *trespass* on his worthy friend, who remonstrates on the impropriety of his conduct; the other, by this time become a perfect *fans-culotte*, with one hand stops his mouth with the Rights of Man, and with the other knocks him down for a monopoliser; behold, once more, the spirit and very substance of equality!

We will now examine the fourth division—One characteristic of a free government is, that every man shall have the power of chusing his own pleasures and amusements; for, as Blackstone says, “ Let a man be ever so abandoned
 “ in his principles, or vicious in his practice,
 “ provided he keeps his wickedness to himself,
 “ and does not offend the rules of decency, he
 “ is

" is out of the reach of human laws."* But if a father, possessing property, has been extravagant, or even unfortunate in the selection of expenditure, the son must necessarily work, not only to acquire the pleasures, but frequently the very necessities of life ; and what increases the difficulties of obtaining them is, the numerous competitors he has to contend with, for every one being emulous to procure employment underworks his fellow, and thereby reduces the wages, until much work is done for a little money. This is the life of commerce, for if it was not so we should have no manufactures at all. As soon as an article ceases to give sufficient profit to pay the workman a little more than enough to support him and his family, it is no longer made ; and it never can do more than that ; for if the wages which are paid were more than enough for this purpose on one article, there is no reason why they should not be so on all ; and the instant that was the case the workman would derive no benefit from it ; for though he might form a rise in his own trade, a rise on those articles which he purchases places him where he was before ; therefore no man can receive any real and lasting ad-

* Bl. b. i. c. i. p. 124.

vantage unless the rise is partial, and then it becomes a proportioned injury to others; if the consumption is foreign, then the impolicy becomes evident, and the rise brings its own punishment.* As the wages must be enough to support a large family, a saving, industrious, single man, or one who has few or no children, may lay up sufficient, from these circumstances, to increase his profits, by becoming a principal instead of an inferior. In short, there is first a competition among workmen, then between merchants, and finally with nations. From hence we may conclude, that *the enjoyments of life* are for the sober and industrious, and the *labours* of it ultimately for the drunken and profligate.

* Formerly the orders from Lisbon for satins were very great, and the journeymen weavers in Spitalfields finding themselves in demand, insisted on an increase of wages; after various contests they obtained their ends. This circumstance, added to the increased price of raw silks, obliged the masters gradually to make that article so slight that the orders were no longer sent, and now no satins are made except for home consumption. That competition which tends to improve the quality of an article, or to make it cheaper, will increase the quantity of a manufacture, and every means that has a contrary effect must tend to annihilate it.—This was the case at Taunton, this is the same in Spitalfields, and will be the same every where.

The

The most enthusiastic republicans have ever been possessed of slaves. The Spartans,* Lacedæmonians, and Romans, among the ancients; the New Englanders, in the last century;† and the Virginians, Marylanders, Carolinians,

* M. Helvetius, tom. iv. p. 588.

† During the summer of 1637 the war was carried on with the greatest energy, and with that success which vigour, when conducted with common sense, will always procure. The Pequots defended themselves with the spirit of a people contending for their country, for their existence. But superior arms and knowledge, and perhaps bravery, prevailed; and this tribe was extirpated. The prisoners were either transported to the West Indies, and there sold for slaves, or reduced to a more painful servitude in New England, because they daily beheld those regions where they had once enjoyed freedom and happiness. The allies disagreeing with regard to the property of the female captives, butchered several of them with a barbarity which would have disgraced a better cause.—Chalmer's Political Annals, b. i. c. 12. p. 291, 292.

It is worth while to accompany the preceding note with a passage from Hutchinson's History of Massachusetts, v. i. p. 75.

“ Intolerance was interwoven into the frame of that
 “ government which Massachusetts had created for itself.
 “ From the public proceedings of those days, it is evident
 “ that inquisition was made not only into the public de-
 “ clarations and practice of men, but even into their pri-
 “ vate judgments. The ministers of that sanctified re-
 “ gion preached against toleration as a sin in government
 “ that would bring down the judgments of heaven upon
 “ the land. Even the gentle spirit of the Muses was over-
 “ borne by the universal degeneracy, and throwing their
 “ persuasive

linians, and Georgians, at this moment. The negroes in the West Indies, and southern parts of North America, are really treated like *machines*, and if this observation of our fair authorefs had been intended for a proof of honest resentment in favour of these poor wretches, heaven forbid it should have attracted from me any other than a reverberated sigh for their distress; but to tell the inhabitants of this island that any of them are treated as *machines*, is certainly a deviation from that candour for which the enthusiasm itself of a republican can never plead excuse.

I must beg pardon of the lady for the little ceremony with which I have treated, not her, but her opinions, in this passage. I have never read a single line of the pamphlet from which the above extract is taken, except what is contained in the paragraphs inserted in the Monthly Review for August, 1792, and which accident alone brought under my attention. In idly turning over the leaves of that publication I

“persuasive influence into the scale of persecution, they
 “promoted the unchristian temper of the times. The
 “following are the dying lines of Governor Dudley:

“Let men of God in court and churches watch
 “O’er such as do a toleration hatch.

E

“saw

saw a favourite name; and as those publications of this lady, which I had before read, had always given me pleasure, I stopped to pay a visit to an old friend; the elegance of the language induced me to proceed; but I soon discovered such a collection of republican opinions as were never before, I believe, assembled in so small a compass. The French, even at this day, with the assistance of all their new-coined phrases and refinements on republican phrenzy, might have written a volume on this subject, and in the end have resorted to their most barbarous deeds to elucidate the text; but so energetic is the language of our fair authoress, she proves with Lord Roscommon, that

“ The weighty bullion of one sterling line,
 “ Drawn to French wire would through whole pages
 “ shine.”

One would fain hope the experienced misery of the present age in *other* countries may induce posterity in *this* to lay aside those foolish delusions which can never be realised; but that hope will soon vanish when we recollect the annals of this country in the last century. We may therefore truly say with Mr. Hume, “ in
 4 “ vain

“ vain is the page of history held forth to
 “ mankind,” they never will profit by it. If
 they did, the French might have seen the same
 doctrines, formerly the pretence, as they are
 at this time, for involving mankind in Utopian
 projects, formed to gratify the turbulence of
 those whose ruined fortunes stimulate them
 to become the mountebank patriots of their
 country. If they were its *real* friends, they
 would stop where reform was accomplished,
 but this they never do ; for, like the modern
 French, the desperate fanatics of the last cen-
 tury,

“ Whose slender meal was shorter than their grace,”*

first drew in some well-meaning people to join
 them in a reform of real abuses ; and under
 that disguise insinuated their republican visions
 until they acquired undisturbed possession of
 the government ; in which sometimes a knot of
 tyrants, and at length a single one, blundered
 during sixteen years. Finally, when the peo-
 ple had fatally experienced the miserable issue
 of trusting to fair promises, and a less skilful

* Miss A. L. Aikin's Poems.

ruler than the one they had lately served, gave them the opportunity, they made an unrestrained offer of the crown to its lawful heir. And shall we enable the descendants of these same people, with the same pretences, to try the same experiment? Shall we forego the happiness of increasing prosperity and wealth, under the limited monarchy with which we are now blessed, to make another trial of their skill in government, their faith in oaths, and their religious moderation?

“ Shall we on this fair mountain leave to feed,
 “ And batten on that moor ?”*

It may with truth be said, that the errors which are interwoven in our constitution are not evils of the last importance, and that they never oppress the poor; they are the remains of former times, when the world was less enlightened than it is at present; but, like excrescences on the human body, to shave them off at once might produce evils dangerous to life; we, therefore, submit to bear them as well as those which modern manners and customs produce,

* Sh. Hamlet.

with

with patience, and until a fit opportunity offers to correct them with judgment. Happy for us who know we have the remedy within our own power, when prudent attention to the general good will admit of the application. We are not to be taught by every ignorant quack what food is best suited to our constitutions ; we are competent by long experience of increasing health to judge for ourselves. Let those take, who would administer the poisoned draught ; we shall soon discover the effect by their convulsed, distorted, and emaciated looks.

I have thus far endeavoured to shew that the causes of poverty are not imputable to the superior vice, luxury, or extravagance of this age. I have next pointed out some of the most predominant causes of poverty, which has led me to prove, that if the poor continue in this situation, it is no fault in the constitution or government of the country ; but, in general, their want of saving and industry.

Thus far we have treated of poverty as it concerns the individual. We shall now speak

of it as it affects the public at large, and, after stating the consequences of poverty, proceed to shew the importance which the prevention of it is to the nation.

CONSEQUENCES OF POVERTY.

THE consequences of poverty are either the commission of crimes, encumbrance to the public, or emigration. In either of which cases, the community at large are essentially interested: for though the importance of a state depends on its riches, no matter for the present where centered, its happiness must proceed from equality.—Not that equality, which, as we have shewn, some visionaries fancy would be the effect of an equal division of property; nor that political equality, which republicans make the idle and ignorant believe, though the leaders themselves know otherwise, will proceed from an extinction of all rank, and exist in elective rulers only; but in that, where a man feels a security of person and property, derivable from laws, which are made to operate towards him as they do on others; which enable him, by industry, to rise above want, and to live independent of either public or private charity. Our minds become humbled by receiving charity; we have no longer that

E 4 ardour,

ardour, that spring for exertion in youth, or dignity in age, which keeps us from the commission of little actions. When a man is forced to thank, and as it were, to bend the knee for his daily bread, he feels like a slave, and is too apt to act the part of one; but he who is above want, though but a little, looks upon every fellow-subject as an equal.

Crimes of a minor kind usually originate from poverty, or from that pecuniary disability which leaves a person in want of those things he thinks necessary for his happiness, or absolute existence. I say, which he *thinks* necessary, for though his wants may be imaginary, he is not the less induced to commit crimes; he fancies them essentials, and the operation on his mind is the same as if they were so. It, therefore, becomes the duty of a wise government, to prevent that man from committing crimes, who is moved thereto by false notions of happiness, or from necessity;—to prevent his being tempted, by false hopes, to quit his own for other countries;—and by gratifying him, who wishes, by industry, to extricate himself from his needy situation,

ORIGIN

ORIGIN OF CRIMES.

IF we inquire into the origin of crimes, from their very birth, we shall find, that they as frequently proceed from others as ourselves; we shall see, that a person educated in the most exemplary manner by the parent, has received ill impressions from the servants, his play-mates, or the accidental reading of improper books; some, by their very parents, are initiated into vice from the cradle: overfondness, or example, encourage the daily exercise of passion, lying, tattling, and cruelty to animals; drunkenness comes in, at an advanced period, with leave to spend money without accounting for it. If persons thus bred are suddenly left to their own inexperience, they will fall into difficulties, then commit crimes, in order to extricate themselves, and thus glide into a dungeon. Passions of all kinds, carried to excess, by being subjected to no controul, lead to the commission of crimes, which industry, and the reflection of a necessary subordination, in order to procure the encourage-

encouragement of others, would correct; but a fancied independence hurries on to dissipation, and idle company serves to promote it. It is not easy to correct bad habits of any kind; much less those, which, under such circumstances, are flattering to our passions. A person, who in his infancy has been frightened by stories of spectres and apparitions, though convinced of the folly, will find his imagination inventive, in extreme, to raise up monsters, in addition to those furnished by others; he will, perhaps, urged by reason, experience, and the pain of the impression, endeavour to get rid of the sensation; and those who really exert themselves, will effect it: * but if we find so much difficulty in removing, what, not only reason, but inclination, prompts us to accomplish, how much more shall we experience, where we have the reason only to do right, and the more forcible inclination to do wrong. It is a pigmy contending with Hercules.

Such, however, who having estates to support extravagance, and though wicked, avoid the commission of crimes which are directly

* M. Helvetius, tom. iv. notes de p. 415.

injurious

injurious to the property and persons of others, come not under the lash of the laws; it is, therefore, the poor, and not the opulent, who will now become the objects of our attention. The former, when idle, are too apt to intrude on the industry of others; the latter, by want of industry, and even by their vices, contribute to support them. We now come to particulars,

Those temptations to evil, which are too thickly sown throughout this kingdom, are causes of crimes. Unfortunately, some of them are intimately interwoven with the exigencies of the state, and others are become, from immemorial custom, and ancient tenure, the absolute property of individuals.—The exigencies of government are, in some measure, relieved by the sale of spirits, and lottery tickets; the evils of which are so numerous and obvious, and so much has been said, and written, in vain, that the bare mention of them in this place is sufficient. No one that has lived in the neighbourhood of a forest, but must have remarked the ill effects which an unfenced property has on the poorer sort of people. Their savage manners and debauched morals, are a proof of this assertion. It is wonder-

wonderful, how much time they will lose in stealing the wood, in hunting up a half-starved hog, or cow, in the day; and in killing the game at night. Indeed, where there is much game, the crime of stealing and plundering anything else, is from infancy rendered perfectly familiar. It is impossible that a child can be continually exercised in an unlawful act, and see his parents so employed, without becoming ever after indelibly addicted to the commission of whatever suits his immediate purpose. The same causes will produce the same effects in one country as in another; and, having long been accustomed, at intervals, to see the manners, and to hear the conversation of those settlers in America, who inhabit the foot of the Allegany mountains, I have since been very much struck with the similarity of these, and the poorer class of inhabitants, in and about Epping Forest, although situated so near the metropolis. A human being, living in a savage state, has few wants; and, in the warmer regions, those wants are easily supplied;—on that account he possesses many virtues, which are unknown to him who is in a state half-way between the Indian and those who live in a perfectly civilized society; for, with all that is most disgusting in the former,

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the wants of the latter make him more selfish and vindictive.

Smuggling, certainly a crime in itself, is also the mother of others. When a number of men get together, ready to commit an act that is contrary to the laws, and for which they are liable to be punished, being in continual apprehension of detection, and resolute to defend the property, in which they are interested, they are apt to fortify their courage by strong liquors, and by herding together become rude and profligate in their manners; and addict themselves to drinking, gambling, cruelty, and swearing; until, by degrees, like pirates, their lives being in continual danger, they acquire nearly the same dispositions and brutish feelings. When a gang is broke up, those who are not seamen, from long disuse of orderly labour, become wreckers; or adopt some other mode of life, which is but little more criminal than the former, and end their lives by the common hangman. — Smuggling, however, from a wise attention paid to it by our present ministry, is no longer that extensive evil it was formerly.

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There is also, in London especially, a fountain, from which springs, either directly or indirectly, the greater part of those robberies, that bid defiance to the continued exertions of our police; but being attended with a fancied advantage to the distressed, it is permitted to exist, notwithstanding the numberless evils it occasions. I shall readily be understood, to mean the pawnbroker's shops. Great restraints have been put upon them,* no doubt; but their existence, in any shape, is so monstrous an evil, that nothing less than extirpation can do justice to the public. There are great varieties of people, who lodge goods at these places; it will not be amiss, in a general way, to enumerate some of them.—Every description of the lower class, who are profligate, and are possessed of other people's property, for a short period, in order to cleanse, assort, or manufacture, have dealings with pawnbrokers. They will find a variety of excuses, for not bringing the goods home at the usual period. In all probability, the reason is, that they have been at these shops of abomination. They will then carry home a part, under pretence, that they have not been able to finish the rest,

* 33 Geo. III. c. 58.

get some money in advance, and with it redeem the remainder. There are bad people, in every one's recollection, who have made use of these receptacles, as a temporary means of procuring liquor; some by pawning their own property, and some, that of others. At the best, it is a ready temptation to procrastinate those exertions, which would soon relieve their wants; but most of us know, from experience, that we too frequently put off a necessary effort till another time, provided we can supply the present want, even to a disadvantage. Mr. Shandy's creaking hinge is known to every one;* and though one drop of oil would have saved Tristram's father a diurnal mortification, the hinge was suffered to creak on, and occasion more petulance than a matter of real consequence. But these are trifling evils, which fall chiefly on the lazy, and those who want economy; for it is not of much consequence to me, whether my linen is brought home on Saturday night, or the middle of the next week, provided I do really get it at last: nor is it a public injury, if a drunken fellow of a husband pawns his wife's and childrens' cloaths whilst she is out, industriously earning

* Life and Opinions of Tristram Shandy.

something to make up for his profligacy. But it is of great consequence, that a man, who robs me of my watch on the high-way, or has broken open my house, and stolen my linen and plate, should have no place to convert those articles into money. What is it to the public, whether there are one, two, or twenty honest pawnbrokers? a thief will only avoid them; and if there is one rogue in the trade, that one is sure of the most custom, and is certain, likewise, of the most profit, because, it is probable, the goods will never be redeemed.

I once resided in a considerable town in the British colonies,* where, from the peculiar circumstances of the place, robberies were not frequent, for I have actually known two subsequent assizes without one criminal prosecution.—For the curse of this place, a fellow sat up as a pawnbroker, where there never had been one before; and as he seemed to thrive, another followed his example. The consequences were soon so intolerable, that the whole community joined to hunt them down, for house-breaking and pilfering became frequent; the

* Halifax, in Nova Scotia.

courts were almost wholly employed in criminal trials; at length the two gentlemen, themselves made their appearance at the bar, and were punished accordingly: the town, in course, returned to its former regularity.

It must be confessed, that there appears to be cases where people labouring under temporary distress may experience a real advantage, from receiving a loan at a pawnbroker's shop; we will, for a moment, admit this case in its utmost latitude, still it is very unfair that the rest of the community, and more especially the city of London, and other great towns, and the country for many miles round them, should be subject to suffer so much as they do, in their persons and property, for the sake of the trifling conveniency which this nuisance affords to a very small proportion of the community at large; and where there are many arguments which will make it doubtful whether there ever did exist a single instance, in which the party would not have been highly benefited by struggling for relief in some other way; or, who by a prudent anticipation, might not have made provision for his present distress. In short, whilst government

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think it necessary to continue some evils for the sake of the revenue, it is but fair that those should be abolished which contribute nothing.

PREVENTION OF CRIMES.

IT is impossible to point out a universal remedy for crimes, because, as it has been before observed, they in general proceed from an imperfect early education;* and besides that the world has essentially differed on the principle, they deviate still more in the practice of this requisite. The most certain method at present is to apply the prevention to a more advanced period, which may be threefold—

Encouragement to do well,

Dread of doing ill, and

Affording employment to the industrious.

The legislators of the world have in general made use of the second of these methods alone to prevent crimes, and the consequence has been, that the laws themselves are guilty of more crimes than the wretches they are meant to reform. If by a variety of means they incite the passions and the appetites; if at the

* M. Helvetius, tom. iii. and iv.

same time that they plant a tree with the fairest fruit, they leave it as accessible to the touch as to the sight, the robbery is much more imputable to the legislators than the culprit. But we are too apt in all our endeavours to apply a remedy to the *effect* instead of the *cause*; thus, if a man in want of bread becomes a thief, the laws hang him as an example to others; give him employment and you prevent the crime.

A joint offer of punishment and reward will operate in favour of each other, for when a man fears the former, it will induce him to endeavour with redoubled exertion to merit the other; if the latter should fail, it is a sure sign that the former is but ill calculated for its end, and that its failure may be attributed to its nature, proportion, or uncertainty.

I remember before the American war it was the practice to send all the convicts from Great Britain and Ireland to that continent; and though the colonists would not suffer them to be landed as convicts, still they were introduced as indented servants; the people were the same, no matter for the name. Yet though the annual exportation from hence was great, the inhabitants of that part of the British dominions,
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and in the country places especially, lived in the most perfect security. This was not owing to want of opportunity, for throughout North America, except from New York to the northward, and then only near the sea coast, the people lived very detached, and were obliged to travel a great deal. This security was occasioned by two principal causes, plenty of employment and infallible detection. Their four years indentures were chiefly bought by the country people, in whose service they generally found good food, cloathing, and plenty of work. Each, for his own sake, kept his secret, and having none of his old companions to associate with, soon lost those habits which in that country would have been useless; for in the southern provinces especially, any person of a suspicious appearance, travelling without a pass, was sure to cause inquiries; and if his answers were not very well adapted to the questions asked him, he was certain to be detained in prison, and stayed there, until the whole neighbourhood was advertised of him.

This vigilance may not be quite so practicable in this country as it was there, but affording the means of employment—watching as

narrowly as possible—making prosecution easy—giving ample rewards for detection—stopping every known avenue of escape—and punishing infallibly both thieves, and especially receivers, would go a great way towards it.

ENCOU-

ENCOURAGEMENT TO DO WELL.



ALL nations, of whose history we have any remains, have had amongst them some men of superior understanding and virtue, to whom they looked up for lessons of morality ; that is, for instructions in what manner each individual should best act towards his neighbour, in order to receive a return of kindness ; that by mutual sacrifices of temper and property, the whole nation should be as happy as the nature of humanity would admit. This answered very well in the first ages of society, when the sole object of each member was to do what was right, and all he wanted was to be taught the path. But in process of time the object was reversed ; then, the ambition or resentment of some, the avarice or prodigality of others, made it necessary to enforce, by laws and punishments, that system which it was the real interests of the collective body only to preserve, and of each individual to infringe upon. As riches increased, comforts and superfluities

kept pace with them, which brought those to poverty whose finances were incapable of supporting their idleness or extravagance. They then became a burthen on the generosity, vanity, or ambition of the rich, and almost always continued in that situation, unless by running into debt, they became the slaves of their creditors; for slavery in former times was generally a close attendant on a man's misfortunes, whether they originated from war or peace.* This situation of the poor, in general, deprived them of the *ability* of rising superior to their humbled stations, by that industry which now in this country, at least, is within the power of every one who enjoys mental and corporeal health. Formerly they possessed no other means than by an attachment to some powerful man, who might place them in situations where they could oppress others and enrich themselves. The abolishing of the feudal system has somewhat improved this wretched policy; and if a man has but the moderation of temper to en-

* The modern nations of Europe have, in general, discovered the impolicy of making slaves of their fellow citizens, and of prisoners of war; and will shortly, no doubt, be ashamed of that infamous traffic, which, whatever those whose minds are wholly engrossed in trade may think, is as injurious to the real interests of the planter as the merchant; and is, besides, cruel, and altogether unjustifiable.

dure the partiality which is shewn to nobility, whilst he has the industry to earn, and the frugality to lay by money, he will not now find so many impediments to independence as formerly. It is our happy lot to have gone before the rest of the world in this respect, as in many others ; and we may truly say, that short of the throne there is no customary or legal disability whatever to prevent the poorest of the people from rising to the most enviable situation in society. Nay, more, such are the numberless voluntary gifts, and the immense taxes annually expended on the poor, that there requires some caution lest this increasing benevolence should have a tendency to encourage intentional poverty and idleness.*

This most lenient branch of the prevention of crimes, will include

Education,

Societies and other Foundations,

Taxes, and

Regulating the Necessaries of Life.

* This would probably be the effect of the bill now depending in Parliament, were it to pass into a law.—
Vide the conclusion.

EDUCA-

EDUCATION.

BEFORE we enter on the subject of education, we will endeavour to remove one great obstacle to the correction of bad customs. Uneducated people are too much inclined, from want of reflection, or rather from indolence of thought, to receive, without examination, an established opinion as a truth, and thereby render their actions liable to be guided by false maxims, and their children in consequence to be improperly educated. It gives them less trouble in the first instance, but the ultimate consequences create difficulties often insurmountable. Amongst these errors there is none so generally injurious to the education of youth, as the opinion that our dispositions and propensities are born with us; that a particular quality, habit, or practice, is *natural* to us. A parent impressed with this idea, will never thoroughly exert himself to prevent or correct in infancy what is evidently wrong, because he thinks the attempt would prove useless; nor can it be expected that those to whose care the child

child is afterwards confided, will undertake a task which they are less interested to effect, and which has become more difficult from the length of time since that habit originated.

Nothing can properly be called *natural* which is not instinctive ; that is, it is natural for a human being to walk by means of his feet ; it is his nature to take hold of any thing he wants to eat with his hands, and to convey it to his mouth ; but it is not our nature to do either *good* or *evil*.

Throughout the works of creation, we find the utmost general regularity, and the most uniform wisdom. He must be blind, indeed, who does not see, and disingenuous who does not confess, a design in every thing. There is not in all the infinite variety of animate or inanimate beings, which come within the extent of our observations, one single object whose properties we have discovered that is not as excellent as it ought to be. Whenever we can compare its known qualities with the necessities of the being for whose use it is intended, this fact invariably becomes evident. But yet the Divine Being has hidden one half of the creation from that animated part of it which is in a state
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of nature, that is, in a state of instinct only. Brutes, therefore, never dig the earth for its minerals; those of them which feed on fruits never dive into the waters, nor do those which live in, or on the waters, ever climb the trees. The brute creation, in a state of nature, is universally the same; in the several classes of each individual species, they continue invariably the same methods of defence, and of procuring food; each class continues to practise its own, and never adopts that of another; they never improve, they never change, they never *do either good or evil*. Vegetables, in a state of nature, being created for animals in the same state, always continue as they were formed. Advance another step, and we shall see the human being, in his original condition, perfect to be sure, but perfect only as an animal; and for that reason, making no other use of the profusion which surrounds him, but barely to exist, because every thing which is in a state of nature is sufficiently excellent for that purpose. In this situation the animal man is not even on a par with the animal brute. When he makes use of the reasoning faculties, they raise him a degree higher; then, and not till then, other animals become subordinate for his use; and

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the productions of the earth, by his cultivation, begin to improve.

We may therefore safely conclude, as the natural imperfect qualities of inanimate things are amply sufficient for the brute creation in a state of nature, and for man, in the same state, it is to exercise the mental quality that alone makes it necessary, animate and inanimate beings should possess in their nature a capability of improvement. It is for this end the tacit command of the Almighty, that nothing should improve until moved thereto by the agency of the mental faculties, which his wisdom has thought proper to implant in man alone. The mental power, which is a distinct and additional endowment, being thus bestowed on the animal, in order to promote some design above the state of nature, when in exercise, and not before, raises the possessor superior to the brute. It being then evident, that a state of nature, merely, is at best but a state of instinct only ; and every child, when just born, being in a state of nature, it follows that the mental embryo at the moment the animal sees the light, is just as much, but is no more a mind than the acorn is a tree ; and the only essential difference between a brute and a child is, that the latter

latter possesses another sense, and is capable of intellectual improvement, of which the former is not. A man is therefore superior to a horse, and a horse to an oak, for each rising superior in his creation, possesses one or more properties or senses, of which the other is deficient.

There is that order in all the works of the creation, and at the same time such economy, that we may safely draw inferences from analogy; and when we perceive all the brute animals in it feed and defend themselves by the means which their Creator has in a peculiar manner assigned to each, we should conclude that all his creatures in their formation have each been his singular care; and that if man confessedly the weakest of the creation in a state of nature, by the exercise of his mental powers becomes the strongest; that following the intentions of his Creator, by the means of what we have termed another sense, he comes to know the difference between good and evil; this faculty designs him for some superior end, which in this life, at least, is demonstratively pre-eminent.—His actions, when flowing from that sense, are no longer a superiority of instinctive cunning, of the class which nature has given to the fox, the dog, and other animals, but free
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and optional, progressive and improveable. In this it is that people confuse themselves by, endeavouring to draw a parallel between the reason, as they call it, in animals, and that of human beings ; but in vain, for the difference is as much in its nature as in its degree. They, it must be confessed, as well as ourselves, proceed from causes to effects, and learn by experience to avoid what is injurious to their safety ; but we may trace all their actions to habit, self-preservation, fear, pleasure, and the attainment of food. Almost all animals possess memory, and many have the senses of smell and hearing so very perfect, as frequently to deceive us into a belief that they act from reason. It must, however, be admitted, that dogs, which of all the rest of the brute creation have attached themselves in a peculiar manner to us, appear to possess something superior to other brutes ; but their most remarkable actions, and we must suppose that many are invented, which border on the marvellous, never go beyond the expressions and pursuits above enumerated.

Man enjoys not only a superiority in every thing, except the bodily faculties of the brute creation, but he is susceptible of mental pleasure

sure or pain, which he derives from the *necessity* of distinguishing between virtue and vice; either of which it is within his freedom to adopt, and the selection or practice of the one or the other do, of themselves, necessarily and equitably bestow on him the minutest gradation of that reward which he merits.—A good man will abstain from the commission of certain actions, because, though beneficial to himself, they are injurious to others; from the same motive, he will exert himself for the advantage of his fellow-creature, though the result may be injurious and unpleasant to him. In short, his actions proceed from a sense of what is right, without any reference to consequences; and he never fails, by self-approbation at least, to enjoy the reward of his merit; to which is generally superadded advantages in the result, which a crooked policy always tarnishes, if not deprives him of. If this selection of what is right was more frequently practised by men of sense, than by those who are less quick of apprehension, we would, of course, attribute it to judgment and superior understanding; but it is not so; for good men, as well as bad, are of all degrees of faculties. The conscience, which is evidently placed in the human breast, as the alarm

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and guide to this distinction, is, therefore, very properly instinctive, or involuntary, and is the only instinctive property we possess. It is a faithful centinel, that never sleeps, if we instruct him in his duty; and even if we do not, the coarser features of morality, which are universal and uniform throughout the human race, will never permit us to wander far from that path, which will lead us to our real interest, provided we listen to its dictates. In short, it is evident to our own individual sensations, that our actions, in themselves, are sufficient to reward us with the brightest heaven or the most infernal torment; which proves that we reason from future consequences, and not from the hope or fear of immediate effects. Hence it is evident that the mind of a human being, at the moment the body which it inhabits is produced to perfect existence, is no more than a *carte blanche*, capable of good or evil impressions. It is, in truth, that state of perfect mental freedom, without which there is neither virtue nor vice; for though the monitor within gives the alarm, it never sways our actions.

I therefore conclude, that impressions, favourable to society, are as easily made as those
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of a contrary tendency ; and if man's chief happiness, and the principal advantages which his community can derive from his fellowship, are to be acquired from the proportion of good which is infused into his mind,* there is no duty so great, there is no interest so important to the public, as the education of the poor ; and thereby impressing them—1st, with those habits in their infancy which, when they go into the world to work for a living, will, at least, be favourable to that *ability* of rising in society, which will not only benefit themselves, but enable them, in turn, to perform the same good office to others :—and, 2d, with those sentiments which alone can constitute the virtue of their lives : for most certain it is, that if intending to do right, we act what is wrong, that is not vice ; and if, designing to act ill, we chance to do well, that is not virtue. It is therefore as necessary, in this present state of society, to teach children the distinctions between right and wrong, as between virtue and vice ; the former vary with the circumstances, but the latter are immutable. They should be taught by their school-masters the practice of the one, and by the clergy a love

* M. Helvetius, tom. iii, f. 2, ch. 15, p. 209.—Ibid tom. iv, f. 10, ch. 1, p. 481.

for the other, in order, as has been most emphatically expressed, to become “as wise as serpents, and as harmless as doves.” We will now speak of education, as it regards the *ability* of arriving to that state of society which has before been termed *equality*, that is, *independence in pecuniary circumstances*.

In this sense, education is an improvement of nature, and nature may be termed the stock on which we engraft education. It is with us as with plants; there are some which in their original formation are better calculated than others to receive that improvement, but there are few of us who, though useless by nature, may not by art be brought to produce what, in some degree at least, is beneficial to ourselves and to society. Were it in our power to refine perfectly on education, we would never apply a graft to a stock, until we had previously ascertained that the one was adapted to the other; that is, we would never strike out a plan for a young person's pursuits in life, until we had discovered that his genius and disposition were suited to it. This will do in gardening, because we know that the nature of the stock is uniform, and we judge with certainty of it from the species; in hu-

man beings it varies, according to those impressions which the first years of life, or infancy, have imbibed. We, therefore, can seldom discover the nature of the stock, until it is too late to apply the graft. The education of infancy is always entrusted to those who, generally speaking, are, either from prejudice or ignorance, the worst calculated for that duty, I mean parents and servants; and this for two most essential, and, no doubt, indispensable reasons: affectionate preservation of the object, and economy; for there can be no hesitation in deciding, that if all mankind had the same affections, it would be best to educate children, from their very birth, in a public seminary, and this observation necessarily follows, were that the case we should require no education at all: and so it is in politics; the best government in theory is a pure elective republic, but then, it implies universal and unabating virtue, and love for each other and our country; under which perfection we want no government; for mankind, devoid of ambition, would never seek superior command; free from prejudice, they would never bestow it, and possessing the virtue to do right, they would never attempt what was wrong.

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As our efforts towards a general improvement of our nature in the first age are vain, we must do our utmost in the second, or what in general we denominate *childhood*, and in this we ought, except in particular instances, to suit the education we give to that station in which we find the pupil. When we deviate from this rule, it should never be but in the upper line of that class, or when the mind gives early indications of some peculiar bias. If from vanity or a blind attachment we exceed—if from avarice or neglect we fall short, the risk we run is equal, and is generally attended with fatal consequences; by the former we elevate the mind beyond pecuniary circumstances, by the latter we depress it, in a situation where the hands are above employment. Education of some kind is absolutely necessary for the poor; without it they could never rise in the present state of society, even under *our* government, beyond that sphere in which they sat out; with a proper education they have the ability, by gentle steps, which always afford the most permanent happiness, to supply the vacancy left open to them by the profligate, whose ancestors accumulated the riches they have squandered. This *ability* is the great excellency and support of our political

cal system; it is, and ought to be, the *sole* aim of that liberty we so fairly boast of. Stimulated by it, we should endure our present poverty with patience, and seeing no exclusive privilege in others to bar against our hopes, we should redouble our efforts, and submit to present disappointments with the promise of future success; perseverance perhaps gives it to us; if so, we enjoy it agreeably to our fancy, in the most perfect security, and then we leave it to posterity; if prudent they enjoy it as we did, if not they make room for others, as others did before for us. Our principal object, therefore, should be, to render this legal *ability* as extensive in practice as possible.*

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* Liberty is the power of doing, without lawful impediment, all which we (judging by the rules of truth and equity) would wish that "others should do unto us." To decide fairly on this subject, we must discharge from our minds all that is selfish; and because we see another in a station that excites our envy, not wish to pull him down, in order to assume his place, but first examine the steps by which that station was acquired, and then see whether the road, though open to him, is shut to us. When people arrive at pre-eminent pecuniary advantages, it must be by either superior abilities, industry, good fortune, or villainy. The first is the gift of heaven, and may be improved by the second, which is in the power of all; the third may happen to every one, and is, therefore, equal; and the fourth ought to be the envy of none, for it is rarely successful, and always bears its own curse along with it. Do we envy exalted rank? What is it?
 1 a name

The children of the poor may be classed into the following destinations :

1. Trades, or such business as will find them employment for life.
2. Navigation.
3. Agriculture.
4. The hired servants employed in trades.
5. Servants employed in domestic work.
6. Those manufactures which require only the temporary aid of children, who are afterwards sent back to seek another mode of living.

In the 1st and 2d of these classes, nothing can be more evident than the necessity of a previous education ; and when they get it, it is chiefly

a name which gives no solid advantage, but a title which one person out of twenty-seven thousand eight hundred and ninety-two carries, to distinguish him as one of a corps, which the wisdom of ages has thought the best calculated to guard the political and civil rights of the people, against the encroachments of that individual in whom they have lodged the power of protecting them against each other, and against their enemies. A body of men who, at the same time they render this essential benefit to the people, guard that individual from an intemperance, which never fails to inspire the best-informed popular assembly that ever old Time saw collected together. And even this class, privileged in name only, is, and has been, as accessible to us, and by the same means, as it became so to one half of its present possessors.

by residing in towns; for traders are more sensible of the necessity of education than others. The charity and free-schools, established chiefly by citizens, are of great advantage to them; and though they cannot include the whole, yet the most necessitous, if so inclined, generally receive the relief which their situations require. The other classes are the most numerous and most ignorant. Having no means of education at home, and being too widely dispersed to take advantage of those public establishments which are already founded, their only profitable employments are gleaning in harvest, or picking hops in those few counties where they grow. Weeding grain is now very much disused, the great improvements in agriculture having rendered the practice less frequent. The consequence of this idleness often proves fatal to their morals as long as they live; for it is from seven to fourteen that the morals are formed, as it is from the birth to seven that attention is necessary to correct the temper. If there are no established schools, something must be paid from the earnings of the parents, and where they happen to be profligate, there is the less to spare for this purpose, and more need of it; for, instead of perfect idleness, which would only be a
negative

negative evil, they are employed in pulling the hedges to pieces, and in other pilfering, until they become perfectly indifferent to every moral duty. Those of the 6th class are chiefly collected from parish workhouses, and when they become too big for the profit of their employers, are sent about from one place to another, to seek a living as they can. As this discharge is about the age of fourteen, provided in the interim they were taught to read and write, which with their cloaths and food is the least which can be required of their employers, every encouragement should be given to this new method of promoting our manufactures. It is one of those plans which, if well regulated, would form the chief happiness of the poor ; but if neglected, and left solely to the discretion of interested individuals, avarice, that bane of human happiness, will look with callous indifference to every present and future misery in others.*

The

* Nothing less than an act of parliament can put this most essential affair universally upon a proper footing. Many particulars are necessary to be provided for.

1st, The wholesomeness of the buildings in which they work and sleep.

2d. Their cloathing, food, and cleanliness.

3d, Hours of relaxation and sleep.

4th, Medical assistance.

5th,

The periods of seven and fourteen years, as distinguished by *infancy* and *childhood*, appear to mark the two first ages of our lives very distinctly.

We shall find that the next seven, from fourteen to twenty-one, or what is called *youth*, is not less worthy of attention. During the period of childhood, the lessons of temper learnt in infancy begin to be put in practice; and in this of youth, those which originate in childhood, such as the rudiments of literature and morality, together with a continued practice of the first, ought to constitute our immediate care. Thus a human being, as he advances in life, should accumulate instruction. In the age of youth a foundation should also be laid for religion, for at that time the understanding gradually becomes sufficiently capacious to receive it; and after his arrival at twenty-one, or what the law considers as perfect manhood, he will be induced, when thoroughly initiated in the ways of the world,

5th, Teaching reading, writing, and arithmetic.

Unless these things are attended to, such manufactures will prove the destruction of the people. The want of the four first will ruin their health, and impede their growth; the deficiency of the last will fix a considerable bar to their future advancement. Vide Appendix, No. I.

to

to seek assistance from a source which young people generally neglect at first, but which disappointed prospects, breach of faith, and and frauds of various kinds, will finally convince them that it is a fund of consolation against all the vexations that can beset them. A man in misfortunes, who has never been impressed with the hopes of a future state, feels a comfortless void in his own breast, which drives him to despair. Seeing that the world is indifferent to his sufferings, he feels indignant at a treatment which, perhaps, he has not merited, and turns from it with a resentful disgust; but when the first emotions are over, and he looks into himself, *then* it is he becomes desperate. Cut off from every hope of relief, all the resource he has left is, to quit a world which offers him nothing but the mortifying view of others happiness, and his own, as he thinks, irretrievable misfortunes. If he possessed a proper sense of religion, it would afford him spirit and resolution to struggle against misfortune, and to despise the contemptible and sordid conduct of those who, when his efforts are crowned with success, will again receive him, with as much apparent friendship as if they had never quitted him. Religion, in every transaction of life, presents
to

to a good man but *one* sentiment, which is, that, whatever be the event, he never must commit an act which is in itself wrong; even though the immediate benefit be great, and the transaction beyond the reach of discovery: for in the end, it will never fail to be its own punishment, here *and* hereafter. If there was no more in religion than the temporal advantage of such a belief, the good that would result from a general acceptance, would become an object to promote it: for simple as it is, nothing could so much tend to establish real honour and virtue; but united inseparably with futurity, it receives a ten-fold brilliancy,

The writings of moralists have in general the fault of being too minute for common use. They spin so very fine, and endeavour to enforce such numerous lessons, that young minds get confused with the nice and multiplied distinctions. They are besides frequently premature, and lose their effect for want of being perfectly understood; they are so many excellent materials, which want order to form the arch, and a key to unite them. This key is truth; for a child, who from its cradle is taught, that speaking truth, and acting under its influence, is ultimately the best policy,

licy, will never do otherwise. But the misfortune is, that by the folly of those who have the charge of children, the grossest untruths are continually uttered, sometimes to deter, at others to stimulate; they are more frequently punished for acting ill, than for telling a falsehood in order to conceal it; whereas the former is transient, and perhaps the effect of misjudgment, but the latter soon becomes a rooted evil. Parents, and others, should never even *insinuate* falsehood; for the child will most assuredly detect the imposture, and in future adopt that method, which has been taught him, to avoid an inconvenience, or acquire a benefit: and once successful in practice, it will prove too durable to be easily eradicated. It is astonishing what vices and frauds proceed from falsehood. Hypocrisy is the practice of vice under the garb of virtue, and under that habit it will do more mischief than a legion of ruffians. It holds forth benevolence and good-will to all mankind, in order to ruin their private peace, or to acquire property which appears at too great a distance, or is too securely guarded to be procured by other means; it is a silent worm, that imperceptibly eats to the vitals before it is discovered. Could any one who had been from his infancy punished for every falsehood, and

even

even pardoned for a fault on telling the truth, ever become a hypocrite?—no, children are taught hypocrisy from the cradle. A man sells a horse, or any thing else, with a false character, his object is to gain an insignificant benefit; but he puts his reputation with his family and the public at a risk, and he loses it infallibly, except among a community of sharpers; and then the practice of deceit becomes useless. But a child should always be taught, and be made to feel, that whatever be the immediate advantage of falsehood, it will never fail to be detected; and whenever that happened, though a month after, it should be punished as if it had just taken place. Thus tutored, if at an after period occasions offer of acting in tempting opportunities, the original impressions will never fail to decide. The old adage, “that honesty is the best policy,” will induce him to forbear where conscience points out the impropriety. In short, it may with confidence be asserted, that no person ever became wicked without previously paving the road by falsehood and deceit.

To inculcate such important lessons is the duty of the clergy; as every thing which can promote religion and morality should be. But
 unfortunately,

unfortunately, in this country they are not properly supported and disciplined ; and the consequences are, that too much being required on one hand, and too little afforded on the other, the poor, whose sober and orderly manners are of more importance than we are apt to imagine, are left to themselves. As it is of real importance to know the truth, I will attempt an impartial investigation of the faults on both sides.

The public of any country is undoubtedly the sovereign of it ; and a tumultuous, imperious, and unreasonable tyrant it is ; capricious and revengeful in prosperity, and a disunited gang of savage plunderers in adversity. This, the experience of the world has taught us ; and it is to correct such inevitable consequences, that all nations have, *ultimately*, selected one or more individuals from among them, to represent the whole community ; and that selection is called the government. In this country, our's is compounded of every species that the ingenuity of man has been able to contrive. For this purpose we have a variety of officers, who have their separate duties ; for which they are accountable to others, in rotation, until the whole executive
centers

centers in one office, which is that of the king. His subordinate officers, branch out into a variety of directions, independent of each other, though ultimately accountable to the chief magistrate, the assembly of the nobles, and the people, by their representatives. Among these officers are the clergy, who, from ancient establishments, are of various degrees; the archbishops, and bishops, having, under the king, the immediate *admission* and *controul* of the whole body.

In former times, we know, that the superstition of an ignorant people suffered the clergy to assume an ascendancy over their minds, and thus enable them to procure emoluments to their offices, totally unfitted for their professions; which were poverty, mortification, and humility: and, as these were really, if sincere, too base and degrading for the human mind, so being hypocritical, they never existed, but in name; in their stead, they actually practised grandeur, sensuality, gluttony, and pride: at length they strained the bow too far, and in the reign of our turbulent Henry, it broke. Since that time, the clergy have been much nearer what they ought to be, for formerly they

had a hand in every mischief, and now they do nothing.*

Morality is like the practice of surgery, reducible to an unequivocal system, founded on undeniable truths; and, therefore, on surgery there seldom arises a dispute; but religion is more comparable to medicine, whose practice is unsettled; better now than formerly, because nearer connected with good sense, and unfettered by that ridiculous jargon, which tended only to embarrass and perplex. The more simple any thing is, the better, except where the object is to keep in trammels, and to subject the understanding to the interested views of designing jugglers. It is, therefore,

* Though a negative is not so irksome as an affirmative ill, let it be remembered, that we now are, from superior educations, more capable of distinguishing, less patient in suffering wrong, and, that sensible of the advantage we derived from reforming this body in times past, we may chance to take them in hand again; for it is one blessing of our constitution, that our ability is always equal to the necessity of exertion.—The time is not far off, perhaps, when the legislature, sensible of the advantage which society might derive from the clergy, if they were placed on a proper footing, will call them into real action. The only obstacle at present, is the danger of experiments in an affair of this importance; we know that this body has raised to itself a host of enemies, who being enemies also to the constitution and government, would wish their total suppression; it is, therefore, necessary to be cautious, but cautious I hope with reason.

H

surely

surely a fair question to ask, what more is necessary on this subject, than to teach us our duty towards God, which is religion, and towards each other, which is morality, with a view of thereby meriting a future state of happiness?

Let us hunt through the whole wilderness of fanaticism, metaphysics, and theology, ancient or modern, we can make no more of it. Whether these truths are handed down to us from one man, or from another; whether they were divulged by God, or by, or through the intercession of a man, or a part or emanation of God's spirit or substance,* may, if we doubt,

* “ So vain and luxurious are the wits of men in finding
 “ out many inventions, and shaping to themselves forms
 “ and *ideas* of religions, every one esteeming his own the best,
 “ and as much in love with his own imaginations, as *Narcissus*
 “ was with his shadow in the water, or *Deucalion* with his
 “ own picture. Some reject scriptures,—others admit no
 “ other writings but scriptures.—Some say the devils shall
 “ be saved,—others that they shall be damned,—others
 “ that there are no devils at all.—Some hold that it is
 “ lawful to dissemble in religion,—others the contrary.—
 “ Some say that Antichrist is come,—some say not;—others
 “ that he is a particular man,—others that he is not a man,
 “ but the devil;—and others, that by Antichrist is meant
 “ a succession of men;—some will have him to be Nero,—
 “ some Caligula,—some Mahomet,—some the Pope,—
 “ some Luther,—some the Turk,—some of the tribe of
 “ Dan; and so each man according to his fancy will make
 an

doubt, and have leisure, furnish matter for curiosity, but it is of no real service, even to the most learned and inquisitive; how then can it be of importance to the poor and ignorant, who are incapable of understanding the arguments, and much less of seeing the im-

“ an Antichrist.—Some only will observe the Lord’s day,—
 “ some only the Sabbath,—some both,—and some neither.
 “ —Some will have all things in common,—some not.—
 “ Some will have Christ’s body only in heaven,—some
 “ every where,—some in the bread,—others with the
 “ bread,—others about the bread,—others under the bread,
 “ —and others that Christ’s body is the bread,—or the
 “ bread is his body.—And others again, that his body is
 “ transformed into his divinity:—some will have the
 “ Eucharist administered in both kinds,—some in one,—
 “ some not at all.—Some will have Christ descend to
 “ Hell in respect of his soul,—some only in his power,—
 “ some in his divinity,—some not all:—some by Hell,
 “ understand the place of the damned,—some *Limbus*
 “ *Patrum*,—others the wrath of God,—others the grave.—
 “ Some will make Christ two persons,—some give him
 “ but one nature and one will;—some affirming him to be
 “ only God,—some only man,—some made up of both,—
 “ some altogether deny him:—some will have his body
 “ come from Heaven,—some from the Virgin,—some
 “ from the elements.—Some will have our souls mortal,—
 “ some immortal,—some bring it into the body by infusion,
 “ —some by traduction;—some will have the soul created
 “ before the world,—others severally;—some will have
 “ them corporeal,—some of the substance of God,—some
 “ of the substance of the body.—So infinitely are men’s
 “ conceits distracted with variety of opinions; whereas
 “ there is but one truth, which every man aims at, but
 “ few attain it; every man thinks he hath, and yet few
 “ enjoy it.” *A View of all Religions in the World, by*
Alexander Ross. Fifth edition, 1675. Sect. viii. p. 239.

portance of the doctrine, if they did? In the mean time, in seeking after the shadow, we lose the substance, and those who pay their money fancy that what they part with, goes to enrich a set of people who give them nothing in return.

An office should answer the end of its institution, in particular when attended with great expense. Now as the employment of a clergyman should be to instruct the people how best to do their duty towards God and man, the person to whom this trust is confided should reside among them; he ought to be honest, decent, and sober, at least, for example's sake; and if he added good temper, a sound judgment in distinguishing characters, and a conciliating disposition, in order to harmonize his parishioners,* the necessary character would be complete, provided his utterance was such, as should make the service, and his sermons, intelligible and instructive; for a person may read the service in one manner, and a second

* Whereas many of the parochial clergy for want of proper habitations are induced to reside at a distance from their benefices, by which means the parishioners lose the advantage of their instruction and hospitality, which were great objects in the original distribution of tythes and glebes for the endowment of churches. 17 Geo. III. c. 53.
person

person in another ; the first will perfectly obscure, and the other render the sense as clear. It may be said, that this is requiring a great deal ; but it certainly is not more than the importance of the object, and the magnitude of the emoluments, should command. The business which the Lord Chancellor and the Judges go through is greatly beyond it ; their attendance on Parliament, the circuits, the terms, and the private consultations, take up nearly every day in the year ; but we never hear any complaint of the judges :—that is a convincing proof they do their duty, and a very important one it is ; but not as much so as that of a clergyman.

The duty of a judge is to expound the laws to the juries, to give them advice, to regulate the proceedings of the courts, to enforce the duty of its officers, and patiently to hear the pleadings on both sides ; and having so done, with an attention that is necessary to make him master of the subject, to deliver an opinion to the jury, disencumbered by sophistry and chicanery. But suppose him to be ignorant of the laws, unsteady and fluctuating in his advice and directions, and so wrathful, as continually to interrupt the pleaders ; who, for a day, would

suffer such a judge? and yet we see clergymen as deficient in every quality that is necessary for *their* office; for those are at variance with all the parish, whose duty it is to conciliate their affections and accommodate their differences; strangers to every one in it, except the most opulent, when it is their office to direct the morals of the poor and rich equally; and ignorant of the most essential part of the church service, which is to read with energy what, from its superior worth, merits the cadence of Demosthenes, and the elocution of a Cicero. In this we certainly betray a most unjustifiable indifference, and the reason is, that our *property* is at stake in the first instance, and we will not suffer it to lay at the mercy of ignorance or knavery; but our *morals* and *religion*, to judge from our conduct, are, one would think, an inferior consideration, objects much less worthy our care.—I will now endeavour to point out in what manner the clergy might become the greatest blessing of the poor, and the community at large, by a conduct which some conscientious and worthy characters among them actually practise; for the simple act of going to church and hearing the service read is not sufficient; it may produce a kind of decency whilst they are there, but it certainly never acts so forcibly,
by

by way of a persuasive against bad actions during the rest of the week, as if the evils of the establishment were fewer, and the advantages more numerous; for a solitary benefit, unless striking, is not proportionably forcible; accompanied by another, it seems to multiply tenfold.—I will then point out the unreasonable expectation of some in respect of this body, and by what means a remedy may be applied to the whole complaint, without any essential derangement to the present establishment.

If the laws act by compulsion, it is because the more lenient method of persuasion is supposed to have failed; but the real truth will appear on examination to be, that the dry letter of the law is the only essential means ever tried to prevail on the poor to act properly. No doubt, it has a great tendency to effect its purpose; but still it is not equal to that bias towards rectitude which early attention to morals alone can give. It cannot be supposed that the clergy will or ought to take under their care the immediate superintendence of children, unless they at the same time unite the office of schoolmaster with that of pastor; and then it would not answer its end; for the

object of the latter should be to make themselves as much beloved as possible, which it is not frequently the good fortune of the former to experience. A clergyman, on receiving his office, should consider himself as relinquishing all the ambition and vanity of life, for the more solid enjoyments of domestic and parochial retirement; and as the execution of his office in a proper manner implies, that the incumbent has received a previous superior education, it is very reasonable he should be supported by means of an income which will at least put him above feeling domestic distress, and the anxiety of those who having more in view, make large sacrifices of peace and comfort in order to attain a more distinguished station.— If, to benefit the public, a person accepts an office by which, from policy, he is prevented from rising as high as others, it is reasonable he should be secured from falling below that situation of life which, to one who thinks and acts on reasonable principles, includes every real comfort. The station of a clergyman should be equally free from contempt and envy; he should have enough to make him respectable; and at the same time he is placed above the fear of poverty, he should neither possess the means nor the inducements to attempt an increase

increase of affluence. His mind, thus tranquil from moderate circumstances, he would be able to give advice both by precept and example; which, connected, forcibly operate to make people better, but which, disunited or discordant, only tend to make them draw comparisons little favourable to those who afford it. How is it possible one can hear with patience a person preach morality who is notorious for a continued breach of it? Every word he utters being a satire on himself, our minds dwell more forcibly on the omission which we find in him than on the importance of practising the duty ourselves. But when numberless good offices and affectionate interferences have, in private, caused people to act right, then it is that the prayers and public lectures on Sundays have that influence on the mind which it was originally intended they should have.

Prayers were never designed either to make people better, or to obtain a benefit, which it is supposed they stand in need of; but they should be the fervent expressions of minds grateful for blessings received, and already impressed with a proper sense of their duty; otherwise they
become

become the importunate solicitations of discontented beings craving for more from an improvident Deity, who, acting by partial laws, requires to be reminded of our necessities. The service of Sunday should, therefore, be considered as no other than a public exercise of what has been privately instructed and practised during the week ; and the sermon an exhortation to a continuance of those practices, and a recapitulation of their tendency hereafter. If, then, we adopt this public meeting as the sole means of reforming the minds and manners, it is no wonder it should fail of its aim. We might as reasonably expect an able physician in one who had never done any thing but attend medical lectures,

As parents and schoolmasters must necessarily have the tuition of infants and children, it becomes doubly requisite that they themselves should know and practise their own duty, in order to teach it to those who are under their care ; that these last, when they arrive at the age of youth, should be better able to receive that initiation to religion, which, it has before been said, should commence at this period.

From

From hence it appears of what importance the duty of a clergyman is when he conscientiously puts it in practice ; and how much good may result to the public at large, and the poor in particular, from a faithful discharge of it. If every man could be brought to be convinced that his interest is most intimately connected with truth, and a consequent justness in his dealings, as it most certainly is, the world would be much better than at present ; but the misfortune is, that there does not exist in our society any systematical and practical professorship in this branch, as there is in chymistry, anatomy, natural philosophy, and mechanics. It is certain that our clergy may be considered as religious and moral professors, but they teach the theory only without making the truth of that theory demonstrable by practice.—Suppose a familiar instance : imagine a writing-master, *reading* a lecture on the advantages to be derived from skilful penmanship ; let the language of this discourse be most admirably calculated to the understandings of his auditors, let him deliver the utmost eloquence with the best manner of persuasion, and then dismiss his assembly, that each one may go home in order to execute what has been so ably recommended ; is it probable that
much

much good would result from all these pains? but suppose him to take paper, pens, and ink, and, after the lecture, set each pupil to put in practice the theory he has been taught; the result, I should imagine, would be rather more efficient. A like consequence would arise from practical morality. Two neighbours frequently create a quarrel by not thoroughly understanding each other's pretensions, they will proceed to the utmost extent of hostility, and thus do each other irreparable injuries, until the trifle from which they originated is lost in the dispute. If there had been a peace-maker *in* the parish he would have had an excellent opportunity of shewing, by a lesson of practical morality, the advantages that may arise from honesty, candour, and good sense, when employed to the benefit of others, and from disinterested motives.

When a young man is educated for the church, he begins by learning the Greek and Latin languages, and he is taught them with the same preciseness as if he, in turn, was designed to teach them to others;* whereas the minutiae of grammar

* “ Supposons que l'étude de la langue Latine fût aussi utile que peut-être elle l'est peu, et qu'on voulût dans le

grammar should not be the objects of his study ; but that morality which is equally pure in the works of the Greek and Latin heathens, and in the fathers of the church ; and that religion which is founded on the New Testament alone, as explained by the church to which the pastor belongs. If he bestows more time in the study of these languages than is necessary to make him read and understand them with fluency, his education is certainly very ill calculated for its end ; and the event will prove that he has had no time to bestow on other studies which his profession also makes necessary. A clergyman should have some knowledge of the laws and customs of other countries as well as of his own ; that, when occasions offer, he may shew the constitution of his country to that advantage which it merits ; and thereby render those contented who erroneously think their situations more burthensome and oppressive than falls to the common lot of human society ; and

“ le moindre temps possible en graver tous les mots dans
 “ la mémoire d’un enfant que faire ? L’entourer d’hommes
 “ qui ne parlent que Latin. Si le voyageur jetté par la
 “ tempête sur un île dont il ignore la langue, ne tarde
 “ pas à la parler, c’est qu’il a le besoin et la nécessité pour
 “ maître. Or qu’on mette l’enfant le plus près possible
 “ de cette position ; il saura plus de Latin en deux ans,
 “ qu’il n’en apprendroit en dix dans les colleges.”

M. Helvetius, tom. iv. p. 596.

also

and also that his morality may go hand-in-hand with his legal obligations. He should study oratory as a profession, that his persuasion may *successfully* operate to that object which is the sole aim of the establishment.

The loss of time, and consequent deficiency of knowledge which is essential to the profession, are not the only evils attendant on a confined education; a narrow way of thinking is too often another consequence; besides, a total ignorance of the world, which is a branch of the same noxious plant. A person, thus unfortunately bred, sees crimes in the most venial failings, or disregards those little circumstances and smaller occurrences which more accurately display a character than the premeditated actions and sentiments intended for observation.* Pride and arrogance are other appendages; for such an education formerly supposed a superiority of learning, as all scientific books were then written in Latin, as a universal language. But that is no longer the case; there are few works of any consequence written by the ancients but what are ably translated, as well as those in the same

* Lavater.

languages by the moderns ; and much learning, of which the former were ignorant, belongs exclusively to us. The generality of those who have received any education are no longer to be subdued by confident assertions brought forward by any one ; and unless opinions will bear the test of good sense and sound reason they now have not that force they had formerly, It must, therefore, be confessed, that if a boy's education is to fit him for a profession or a trade, it should point directly to its object ; and not by a ridiculous prejudice and circuitous road, waste his time in the minute study of languages which will not afford him more information than can be acquired in his native tongue.* Were our lives even lengthened to an antediluvian extent, there could be little apology for throwing away 20 years out of 7 or 800 ; but to waste so much out of threescore is an absurd extravagance. I wish not to see banished from the schools that critical knowledge which keeps up the purity of a language ; this would be as wrong as it would be vain to render

* There cannot be a greater proof of this assertion than the neglect of our clergy in learning Hebrew : is not that language as necessary for a perfect knowledge of the Bible, as Greek is in order to understand the New Testament ?

that purity universal. Can it, however, be supported by a general professorship? or rather, is it not always in the hands of a few learned men who give the classical fashion of the times? It was a received opinion of our greatest writers, in the beginning of this century, that it would be better if our living language was reduced to a fixed standard, by the establishment of an academy which should have the superintendence, in order to guard it from those impertinent *den-tifrangencies* and affected turns of expression, which are in general unnecessary, inelegant, and obscure. This false taste, if it became universal, would really be a misfortune. Though we are in some danger of injuring our language from the neglect of teaching English grammatically, there can be none in learning the dead languages, as we do a living one; because they are so unalterably fixed that no one would venture an innovation. Grammar is of itself a complex science; it is, therefore, a very false œconomy of time to teach it to a boy in a foreign language, which is at the same instant an object of study. It is to oblige a person who has the full use of his hands to write with his feet;—a trial of skill, perhaps, but a very absurd one.

A young

A young man who is to have a benefice by a presentation which is in his family, or which he can command by means of his connexions, will think very differently in the course of his education, and act towards his parishioners in another manner when inducted, than if his promotion depended on his merit and ability to fill the station. In the former instance it is his absolute property, and by the certainty he acquires a selfishness which is perfectly hostile to the object of his appointment. In the latter, his hopes and his fears render him what he ought to be.

No young man is the better for that hereditary pecuniary independence which comes to him without industry or competition; but when the possession is to be defended against those who are interested to infringe upon his property, and he fancies himself the sole guardian of an income whose increase or decrease depends on his own activity, no wonder he should watch with jealousy, and look with a scrupulous attention after every man from whom he is to receive his emoluments. The farmers, who are interested in parting with as little as possible, fancy that it is *they* who support the church, and view the whole system of

I tithes

tithes as an exaction, and a diminution of that reward which is due to their industry. The consequence is a perpetual scene of hostility, and the sacred office thereby becomes a means of strife instead of a band of union. This misfortune proceeds more from the laws than the parties interested; but it must be confessed that in this contest the clergy are in general less to blame than the farmers; the former must have a living, and there is no reason why they should not receive the utmost of their dues; they must therefore watch it narrowly, for the others shew, by the whole tenor of their conduct, the necessity of it, and that they never would be satisfied whilst the clergy retained any thing. The farmers in supposing that the tithes decrease their profits, are also mistaken; for if they were wholly abolished, and even nothing established in their stead, one of these two consequences would necessarily follow, either the rents would be higher, or the produce of their farms lower. It is the manner, therefore, in which the tithes are collected, and not the thing itself which is the evil.

To apply a remedy to these complicated evils, we must first look to the bishops, who have the *admission* of the clergy, and then to some

improvement in the *manner* of their *support* and *promotion*. The two latter are very deficient, to be sure ; but with all the avarice of human beings, they are less evils than the former.

The clergy in general come from the middle ranks of life, and from that part of them which have least riches ; they may therefore, without much variation from the present established rules of admission, submit to such regulations as will make them more generally respected, and better calculated for their employments. For, were it necessary they should be collected from the nobility and richer commoners, the remedy would be more difficult ; but when a young man who has no property looks forward to promotion, he will more cheerfully submit to such regulations and restraints than if the case was reversed. It is surely then the fault of the bishop who ordains, if he admits a person whose morals are not exemplary, or whose education has not been calculated for his intended employment. It is to the defect of this attention alone, that we may attribute so many unworthy characters in our church. It is in vain to urge that they are mortals, and therefore fallible. Infallibility is not to be expected

even from any *single* man, much less from a great body of *collected* individuals; but the design of their institution requires they should be the best of the community, both in education and in morals. If for this end they were instituted, for this only can they be paid; defective in this, they become officers to collect a revenue applicable only to their use.

The next object is a rigid superintendence after admission; and this also the present laws have placed in the hands of the bishops, who are as much bound to perform the duty which they owe to the public as the inferior clergy. If these last were narrowly watched, and kept under a rigid discipline, the same good consequences would ensue as already begin to appear from the late practices of courts in regard to attornies. It was nothing but the inattention of the superior officers, who possessed the power of controul, which brought such disgrace on that profession. It should be a maxim of every institution whatever, never to pardon a fault which is hostile to its principle. *Active* morality and benevolence are as necessary in a pastor, as *valor* in a soldier; these are the *principles* of their several professions. A profession un-
attended

attended by its principle is a body without a soul.

The present method of supporting the great body of clergy, by means of tithes, is, as we have just seen, evidently defective, because it creates hatred, contempt, and ill will, where there ought to arise love, respect, and harmony.*

The

* These evils are fast rising to that degree of inveteracy, when the public, sensible of the necessity of a remedy, will, no doubt, to that end, insist upon some experiment, and it will then be in vain for the clergy to oppose their influence. It would be much better policy for them now to come forward and propose some plan, with reciprocal advantages, which their intimacy with the subject may suggest. A reverend and very worthy character in Devonshire, who has distinguished himself in that county by several publications on the subject of tithes, in opposition to the tithe associators in the west of England, has given the following fair and clear invitation :

“ Now this object (abolition of tithes) may be right, or
 “ it may be wrong, according to circumstances. If it can
 “ be obtained without injury or prejudice to the property
 “ of any man or set of men, it then becomes a fair object of
 “ discussion of treaty. And if any mode and compensation can
 “ be discovered, and a consideration of adequate value to
 “ the tithes can be settled on, and secured to the church
 “ and clergy in lieu of them, so that the jarring interests of
 “ the clergy and laity, in respect to tithes, may be there-
 “ by conciliated, and every cause of jealousy and animosity
 “ be removed. If your undertaking, gentlemen, be
 “ founded on such principles as these, with a view to so
 “ good an end ; and it be conducted also as to its manner,
 “ with all that decency and decorum which is so justly due

The clergy, in collecting their tithes in kind, can certainly have no view except to procure the utmost nett value of the tenth part of the landed produce; if they have any other, it is foreign to their professions. We must therefore suppose them to be actuated by such a sense of propriety, as to be desirous of removing every impediment which does not directly militate against this their acknowledged right; for in a business of this importance, and where the object is general, there should be no exceptions in the practice; but one principle should operate in amendment of the present system, as it did in making the original grant. Every partial custom which has been introduced in the interval, should be bought off in some instances and expunged in others, for if petty considerations are admitted as obstacles to great designs, the general welfare can never be promoted. The best criterion by which to judge of the real value of tithes, is to examine the

“ to such a venerable and highly respectable order of men
 “ as the clergy of England; these requisites being complied with, I shall, for one, heartily wish you success
 “ in your undertaking: but without them, this patrimony
 “ of the church, this *sacred* property of the clergy must
 “ not be touched at all.”—*A Letter on the Subject of Tithes and Tithe Associators, by a Payer of Tithes, and Detector of Misrepresentation: published at Exeter by Trewman and Son, 1796, p. 43.*

proportion

proportion which at an average they bear to the rents. This is certainly the fairest method, for it is a most natural supposition that every landlord gets as much rent from his tenant, as, all circumstances considered, he can exact with prudence. No doubt there may be a few, and but very few exceptions to this rule ; for though an old landlord shows an indulgence to all, or to some of his tenants, it ought to be considered as one of those uncommon instances which is by no means likely to continue. It would be a great objection to this system of composition, if extraordinary long leases were admitted on their own evidence ; all, therefore, whose extent were more than twenty-one years, should be put on the same footing as estates held by the landlord himself, and as tenants at will, having no lease which should be rated agreeably to the average of the rest of the parish, possessing leases for twenty-one years, or under. Thus, by taking the leases as the ground of assessment, neither the clergy nor farmers can possibly complain ; for the latter, by taking a lease, have tacitly admitted the principle, and the former have the pecuniary interest of the landlords, as a proof that the latter are not under rated. The only difficulties, and those can be but trifles, with such as are versed on the

subject, will be to fix on the fair percentage, and to guard against fraudulent leases. A farm is generally supposed to produce three rents; if this is an error, and it shall appear to be too much, or too little, it is no injury to the principle of calculation, but for the present we will suppose it to be a fair estimate; if then it leases for a 100% per ann three rents would be 300% and a tenth of 300% being 30% the composition for that farm would be 30% year. Some who are interested in favour of the present confusion, will think this too little, and those who have to pay the tithes, will probably object to it as too much; but as neither will be admitted the sole judges on the occasion of making a general compromise, an impartial committee may settle the most important articles without consulting the prejudices of either farmers or clergy; the sole investigation of the subject will start new ideas, and each party, as the business proceeds, will feel themselves interested in speaking the truth. If these proposals are not acceptable, those who are interested should bring forward something of their own, and that shortly, for the evils I have enumerated above, are so monstrous as to require an immediate attention. I would add something more on the subjects of admission and controul, but at

at present decency forbids ; the bench of bishops have the power, and it is earnestly to be hoped they may shortly have the inclination to exert themselves effectually on these two great points ; it will come from them with an ill grace when it is the effect of compulsion. Were Parliament determined to reform the whole evil perfectly, they would annually vote a sum of money to purchase all the clerical, parochial patronage in the kingdom ; appoint a commission to transact this business, and to receive the whole tithes agreeably to the above, or some similar mode of collection ; as the present incumbents die, give the new ministers salaries, to be proportioned by some standard, which should be examined, and the ratio fixed on every ten years, by a committee of both Houses of Parliament ; regulate the proportion of ministers by the number of inhabitants in each parish ; limit those who are admitted into orders by the deaths of the former year ; oblige young ministers to be curates several years before they become rectors ; and admit of complaints, and try causes before a court competent to the purpose. We know that strict discipline makes good soldiers, and why should it not produce the same salutary effect on men of every profession ?

BENE-

BENEVOLENT SOCIETIES,

AND OTHER FOUNDATIONS.

IF these institutions could prevent crimes, there would be none committed in England. It is wonderful what sums of money are annually given in this kingdom to distressed objects, and to others who are in a considerable degree above want. It may with truth be said, that there is scarce an accident that can befall a poor person, for which there is not some means of relief, arising from the charity of the opulent, which considering the immense weight of the poors' rates,* reflects the greatest credit on our nation; but we are a people whose character is made up of contradictions, and much as there is room for censure, there is still more to commend. The propriety, however, of this benevolence, must proceed from the number of objects that require it; and if our expenditure on the poor, in general, is greater than in other countries, which have less means of employing them, it must be occasioned by mismanagement; for I

		£.	s.	d.
* Nett poors' rate in 1776,	- -	1,529,780	0	1
Ditto in 1785,	- -	2,004,238	5	11
		<hr/>		
Increase in nine years	- -	474,458	5	10
				believe

believe it will be confessed, that there is not in Europe a more healthy climate. In this place I shall confine myself to a mention of benevolent and other similar institutions, in a general way, as they are not perfectly known to any one, with a view of giving a confined idea of what they consist, for to enumerate all that belong to these united kingdoms only, would fill a volume. The poor are not sufficiently grateful for what they owe to others, if they were, they would exert themselves more than they do, to live independent of charity.

The following are some of the most considerable charities in London and Westminster;

Guy's hospital.
 St. Thomas's do.
 St. George's do.
 London do.
 Middlesex do.
 St. Bartholomew's do.
 Westminster infirmary.
 French Protestant hospital.
 General dispensary.
 Westminster general dispensary.
 Public general dispensary.
 British lying-in-hospital.

City

City of London lying-in-hospital.

Lying-in-charity at private habitations.

Lock hospital.

Sick and maimed merchant seamen.

Bethlem hospital,

St. Luke's do.

Small-pox do.

Foundling do.

Christ's do.

Charter house.

Bridewell hospital,

Marine society.

Asylum.

Magdalen.

Laudable society for widows.

Humane society for recovery of drowned persons.

Society for encouragement of good servants.

Welsh charity.

Philanthropic society, for the reform and employment of criminal poor children.

The following particulars will convey some idea of their extent and utility : 1786.*

* There is no material increase or decrease in these institutions; one year therefore will serve the object we have in view, as well as another.

CHRIST'S

CHRIST'S HOSPITAL.

CHILDREN put out apprentice, nine of which being instructed in mathematics and navigation, were put apprentice to masters of ships, out of the mathematical school, founded by King Charles II.	-	-	-	168
Children buried the last year	-	-	-	17
Now under the care of the hospital in London, and at Hertford,	-	-	-	982
To be admitted on presentations granted to this time,	-	-	-	199
				<hr/>
				1366
				<hr/>

St. BARTHOLOMEW'S HOSPITAL.

THERE have been admitted, cured, and discharged from this hospital during the last year, (1786) of poor wounded, maimed, and diseased persons, 3750 in patients, and 8123 out patients, many of whom have been relieved with money, clothes, and other necessaries,

to

to enable them to return to their several habi-					
tations,	-	-	-	-	11,873
Buried this year, after much charge in					
their illness,	-	-	-	-	316
Remain under cure,	{	In-patients,	-	425	
		Out-patients		183	
					<hr/>
Total in one year	-	-	-	-	12,797
					<hr/>

St. THOMAS'S HOSPITAL.

THERE have been cured and discharged
the last year, (1786)

In-patients,	-	-	-	-	2,758
Out-patients,	-	-	-	-	5,191

Many of whom have been relieved
with money and necessaries, and
sent home.

Buried, after much charge	-	-	-	210
Remain under cure,	{	In-patients,	-	431
		Out-patients,		220
				<hr/>
Total in one year,	-	-	-	8,810
				<hr/>

BRIDE.

BRIDEWELL HOSPITAL.

RECEIVED last year, vagrants and other indigent and miserable people, many of whom have had phyfic and other relief, as their neccessities required - - - 716

Maintained and brought up in divers arts and trades, - - - 38

Total in one year, - - - 754

BETHLEM HOSPITAL.

ADMITTED last year, (1786) distracted men and women, - - - 228

Cured of their lunacy and discharged, several being relieved with clothes and money, - - - 189

Buried, after much charge, - 14

Remaining under cure, - - 280

Total in one year - - 711

There are generally more than 270, exclusive of the above, who are supplied with phyfic and advice to prevent a return of their lunacy.

TO

TO this list may be added the charity schools that belong to each parish, estimated at about ten thousand boys and girls; the great number of alms houses, private funds for the support and assistance of blind people; private subscriptions for *employing* limited numbers of poor girls, and the many thousands that are annually given in rewards and relief, by the gentlemen of Lloyd's Coffee-house,* besides the occasional relief in times of scarcity, and accidents by fire.†

The premiums and bounties which are now given by the different scientific societies, are chiefly without the reach of the poor, though they all indirectly affect them, by the employment they afford; but such premiums as encourage good morals, and prevent crimes, are within their reach exclusively. Of this class the society for the encouragement of good servants, and the philanthropic society, are excellent institutions, and ought to become universal.

* From January, 1793, to July, 1794, the charitable subscriptions at Lloyd's were about 75,000*l*.

† The subscription for the fire at Ratcliff, which happened in the summer of 1794, amounted to 17,180*l*. 19*s*. 7*d*.
Com. Adv. August 24, 1794.

The premiums given by the different county societies for the encouragement of husbandry and manufactures, do an infinity of good, but they are seldom offered under such circumstances as render them attainable by the poor. It would be a very excellent practice, if every separate manufacturer gave, annually, a joint of meat, or some other trifle, to every workman who during the year had not failed a single day to attend his work. That the farmers of a parish should subscribe five, ten, or fifteen pounds to that shepherd who had lost the smallest number of sheep, at an average, in five score, throughout the year, having under his care not less than a certain number. That seamen should receive bounties, according to the number of voyages performed in the same ship, as servants do from the society mentioned above. The ship-owners of every port should form societies, for the examination of masters mates, and boatswains, to whom they should grant certificates of ability, specifying whether they are calculated for a general or a particular navigation; and a master who in time of war had behaved well in some remarkable action, should be permitted to carry a distinguishing vane as long as he continued to be a commander. Progressive advancement in

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the subordinate stations of public offices and private trade, is an excellent method of rewarding attention to duty, and is now successfully practised at the Bank, and in some few other departments. In short, the varieties in this line are endless, and they have this superiority, that by encouraging exertion they prevent poverty; but donations to actual distress are only a temporary relief at the best, and often encourage it.

The benevolent institutions in general point to the relief of the already afflicted. The Magdalen—the Foundling—Christ's Hospital—the Society for employing the distressed, and the children of convicts—the different charity and other free schools—and the Marine Society, seem, in some degree, to extend the views beyond the present, but not so perfectly as they might. If these, like the Society for the Encouragement of Good Servants, added to the excellent rules of their several institutions some rewards to those who, after a certain period, should prove that they had profited by the bounty of their benefactors, it would greatly assist to continue those in virtue who had been reclaimed from vice, or had been virtuously brought up. For instance, there

is a legacy vested in the city of London, for the purpose of lending money at a low interest, for a certain time, to persons who shall have been at least a year in business. Suppose the Governors of Christ's and the Foundling hospitals, whose revenues are beyond their expenses, were to appropriate a part of their funds for the uses of those who had been educated under their care, on giving the necessary securities, it is easy to imagine the extensive good effect it would produce, and at no expense to the institutions, except the difference between the legal interest and what they might chuse to ask. In Philadelphia, before the revolution, there was a club of gentlemen who met once a week, apparently with no other view than to dine together, but whose real object was to report to each other the young people in their several neighbourhoods who had lately begun business; and every member of that club continued to forward them secretly by all the means in their power, until they were perfectly established.* After this example

* This idea was a proof of a good head and an excellent heart, and founded a society which, in its effects, became supreme in benevolence. It originated from the great Dr. Franklin, and continued during twenty years, and until the American war, a perfect secret. Dr. Franklin was one of the greatest men of the age in which he lived,

ample each of these institutions, at some fixed period in each year, should make out printed lists of the names of persons who are the objects of their attention, and of their trades or professions, and the number of years they have been in business, whether married or single, number of children, and places of residence, and then let each member act at his discretion.

Benefit

yet his failings both as a politician and a man, do no credit to either his understanding or his sensibility, in public or private life. Unrivalled as he would have stood, though he had even possessed the advantages of superior birth and education, his character receives a double lustre by having risen to such elevation from the indigence; of a common journeyman printer. Unhappily, by his political zeal he embarked upon a sea of domestic and public trouble, in both which he also launched an unfortunate world, who will one day be convinced by fatal experience of his errors. The ingenuity of the philosopher when he could, by a previous and immediate experiment, prove the soundness of his theory, was incontrovertably deserving the loudest and best thanks of society; by an opposite conduct, when with false reasoning and unfounded assertion he rashly induced an unthinking people, who were ignorant of every thing but their own native circle, to execute a theory whose practice must hazard the welfare of millions, his memory deserves, and will ultimately, receive the execrations of those he has and will yet reduce to ruin. It was the vanity of shining in every thing, that first gave the Doctor a taste for becoming an apostle, to teach a people who were certainly the most independent and the happiest in the world, the way to become still more perfectly happy than earthly perfection. He began his political mania so early as the year 1754, by forming his scheme
for

Benefit societies, as regulated by the act of the 33d Geo. III. ch. 54, are admirable institutions, and those, as well as tontines, should meet with every encouragement; they serve the purpose of promoting industry and saving, but the legislature should watch them narrowly; and whenever a fraud appears, apply a remedy.

for a general union of the colonies, to be directed by a president general, under the pretence of a more permanent defence against the Indians, which was distinguished by the title of the Albany Plan of Union. The Congress which was afterwards formed in the year 1774, was evidently the offspring of the other, and they were both an anticipation of independence. The evident tendency of the former defeated its own purpose, and the folly of our then ministry furnished a popular pretence for the latter. In his phrenzy the Doctor designedly forgot the histories of the Grecian republics; that of his mother country, except where it suited the purposes of perversion, became a blank page. Thus, by the folly of being thought a universal genius, one man has attempted what the practice of the whole world, from its beginning, has proved to be impossible; and, by the credit of a well-founded character for philosophy and domestic regulations, he has been able to light a fire, whose cruel ravages will probably search into, and for a while destroy, in its turn, the happiness of every nation under heaven.

TAXES.



AS the method of imposing taxes, and the means of collecting them, may essentially benefit or injure the poor, I will take this opportunity of making some remarks on the subject.

I. Taxes affect the monied and landed interests differently, and proportionably different the mercantile and the funded property. A tax on commodities, if equitable, must be such, that the person who pays it in the first instance shall have the power to impose it on the article he deals in, and which raising the price of that article, becomes a tax in the second instance upon the consumer, instead of the person who first pays it. If that person is also a dealer, or one who receives an income from any thing whatever, as lands, manufactures, shipping, &c. he raises his article until it produces him the same proportioned profit that he originally enjoyed. Thus almost every thing, by degrees, is affected by taxation, until
it

it is so general that only two classes of persons become the ultimate sufferers; the one is he who has property in the funds, and the other who has a fixed salary for services performed. The former of these can never be reimbursed, the other may, by the justice of his employers. By this it is evident that no set of persons ultimately suffer by taxation, if fairly laid, except those who cannot increase their income, for that being once fixed, they suffer in proportion as the necessaries of life increase in price. The landed interest endures an immediate but not a future burthen, because those leases which now exist must expire before the rents can rise; but that rise will, most certainly, come, and repay the possessors for all their burthens. Let no one, then, say that the funds are not taxed. But suppose the price of labour, and the materials which compose our export trade should rise so high, as to prevent foreigners from purchasing them, there can be but one means of reducing them, for inferior manufacture is out of the question, and that is by means of improved machinery.

II. Taxes do not always answer the ends proposed, and sometimes in doing this they become heavier than they were intended to be.

A tax does not answer its end when it is laid on an article that is in the immediate demand of government. Suppose Parliament, in the time of war, should lay a tax on saltpetre, who would pay that tax?—government: then what benefit would accrue to the *state* from it? But this is too gross an instance, for the legislature would never impose such a tax. Suppose, however, they laid a tax on any article with which the operations of war required government should be supplied, the tax on that article would be impolitic, in the proportion in which the demand of government consisted; for though the demand of government is an extra one, and if it pays 1000*l.* with one hand, it has already received the same sum in duties with the other, it still is deficient by the amount of the expenses.

III. A tax becomes more burthensome to the public than it was designed to be, though some revenue accrues, when it is not so calculated as to prevent fractions in retailing. For instance, a tax is laid which will raise porter one farthing in the pot, at what rate will the alehouse-keeper sell a pint?—at that whole farthing advance, because he cannot divide a farthing. Newspapers were at four-pence, a
tax

tax was laid on paper, equal to half a farthing, and, in consequence, most of the publishers availed themselves of the opportunity, and they rose to fourpence halfpenny, which was certainly unnecessary, for one of the papers was at threepence halfpenny, and continued so, notwithstanding the rise of the others. How then could a remedy have been applied? By laying a tax on paper, as you please, but give the newspaper a draw-back, equal to the tax, and put an additional stamp of one halfpenny on the paper; then the public would have paid the same as they do now, but they would have had the satisfaction of knowing, that the whole burthen was appropriated to the end proposed, and not that three-fourths of what is now imposed on the public goes to increase the profits of those who have enough already. Besides, this additional three-fourths might have prevented the necessity of another tax. The first object of a retailer is, to plead the tax as the cause of the rise, and then to evade the payment.

IV. In imposing taxes the legislature should be cautious that they do not, directly or indirectly, affect the necessaries of life, or those articles which are indispensable to the poor,
in

in food, clothing, fuel, and shelter, in order to take away any pretence for discontent. The blessings of a good government should shine so refulgent, as to admit of no controversy.

V. Those articles should be taxed which contribute to pleasure, and what is usually denominated luxury, in preference to others.

VI. It is better to tax an article which is perfect and fit for use, than the separate articles of which it is compounded; for it is, in general, easier to collect, and you can better ascertain the produce. It is therefore better to lay the whole tax on beer, than on malt and hops.

VII. When a tax is difficult and expensive to collect, it becomes a sure burthen on the public, and is, comparatively, but a small addition to the revenue. A tax, therefore, on receipts, bonds, and notes, is a good one, because every holder is interested in promoting it; but the inquisition itself would never be certain of an impost on lace or jewels.

VIII. Farming out a tax now and then for a few years together, taking care always to create a competition, is a good method; for you thereby ascertain the utmost it will bring in,

in, and acquire experience at the cost of others, and they no losers, of which the hop duty is a proof.

IX. A tax on persons wearing hair-powder is certainly a good tax in every respect but two ; it increases the number of informers, and thereby injures the morals of those whom it is the duty of government to reform ; and 2dly, it is collected from the very person who is to pay it, and thereby becomes doubly grievous, by paying the money and knowing when he does it ; for if a person buys an article, and pays the duty with the price, he perceives it less than if a tax-gatherer asks for the exact sum, and he appears to receive nothing in return.

X. Duties of impost, if too high in proportion to the bulk of the article, defeat their purpose ; for in this respect two and two will not always make four. The duty on tea was once so high, as to risk the loss of the most profitable branch of the East India commerce, by operating as a bounty on smuggling. When that duty was lowered, it also brought down the price of teas, increased the public revenue, as well as the East India trade ; and by transferring that trade from the Dutch and Imperialists

perialists to the Company, it finally annihilated smuggling in that article.

XI. A tax may be laid on the same article in two several ways, and be very different in its operation. For instance, salt, which was an essential in the herring fishery, was liable to a very heavy duty, and in order to encourage the trade a drawback was allowed on every barrel of herrings: but this did not answer the end, for the people who were employed in this most important branch of business, were too poor to advance the duty in addition to the price of the article: in the mean time the Dutch came on our coasts for these fish, and were absolutely our successful rivals, in some measure, in consequence. At length the fishermen were allowed to purchase the salt free of duty at first, and charged afterwards only for what they did not use, having previously given bonds for that purpose.

XII. An excise on cyder, or any thing else which must necessarily be manufactured in private families, is a bad tax on several accounts: 1st, It is irksome, as being collected from the individual;—2d, It requires too many officers to superintend it; being produced in small quantities

quantities on each farm, no one can make a separate business of it ;—3d, It must be unproductive, not being an article of general consumption, except in the few counties where apples are cultivated.

XIII. A tax is a good one when it is particularly applied to its own improvement, such as that for mending roads.—1st, Those are immediately benefited who contribute towards it.—2d, It may be made to operate as a sumptuary law, without its ill effects.—3d, It may, if properly managed, be made a tax on vanity.—4th, The poor receive an immediate benefit, without contributing towards it.—5th, It affords a universal source of improvement.—And, 6th, It is one great means of facilitating a good and watchful police ; for a country that has many bad roads is like a town full of narrow lanes, a harbour for thieves and vagabonds.

XIV. That would be a good tax whose object was to collect it from the affluent, with an *immediate* application to the necessities of those who are poor. For example, a double turnpike duty on Sundays, to be given in small sums to those who have more than a certain number of children, limited so as to exclude
all

all except those who work for wages, by the day or week, under a determinate sum. This, or a similar means, would convince the poor of the advantages they derive from the rich; an immense object in every government.

XV. A personal, or what is usually denominated a poll tax, is the most obnoxious, because it is usually considered as personal, and also oppressive; but in theory it is the best, for many reasons:—1st, It is the most easy to collect, and of course it would abolish excise laws.—2d, If made universal, instead of all other taxes, it would be less expensive to collect, because there would be fewer officers.—3d, The poor might be directly totally exempted, which in the present case they cannot be, notwithstanding the pains used to effect it; for if others, so must they, pay a duty on leather, coals, small beer, candles, and soap.—4th, It would not be easy to evade it.—5th, The public would know what they did pay, which at present they do not, for many a dealer makes a fortune by the mystery of taxation. (See III.) Now there are, it is generally supposed, ten millions of inhabitants in this island; if we deduct the large proportion of seven millions for poor men, women, and children, and other children under sixteen years,
of

of age, to be considered as persons who never purchase any dutiable article on their own accounts, and rate the other three millions at 6*l.* each at an average, which would probably come] as low as 5*s.* and not reach higher than 200*l.* a head, it would produce eighteen millions of net revenue, which is rather more than the year before the war, (1793) when it amounted to 17,866,955*l.* 8*s.* 8*d.* One difficulty would be, to proportion it equally on property, for it should not rest solely on faculty, that is on rank, degree, profession, trade, calling, or occupation. But it is impossible to carry such a plan into execution—it cannot be—political considerations forbid it.

XVI. The most intolerable of all taxes was that on christenings, and most miserably off for resources must the minister have been who projected it. It, literally, had every fault which a bad tax can possess:—1*st*, It was grievous on the poor, for it added an additional burthen, which it should ever be the object of the minister to avoid.—2*d*, It did it at a time when, of all other, they more particularly stood in need of charity.—3*d*, It tempted them to omit a duty which is considered by Christians, of most denominations, as an essential of religion.

ligion.—4th, It made the clergy collectors of the revenue, and thereby brought their sacred office into contempt.—5th, It was an obvious tax, which came into continual recollection, as being paid by the person himself, which should ever be avoided when possible; for that is the same as if a collector was stationed at a market, to raise contributions from those who enter it. It would be less irksome to lay the same tax on the provisions; then the person selling them would add it to the price of meat, and it would not appear a protuberant feature.—6th, It was a tax on population.—7th, It was a tax on opinion, and therefore, in one sense, it was partial, for the ceremony is thought useless by a Quaker or a Jew.—8th, Its very equality, taken in another light, rendered it partial, as it did not in its amount discriminate between the rich and the poor.—9th, It was unproductive, and therefore repealed.

ON REGULATING THE NECESSARIES OF LIFE.



WE have just shewn that it is the duty of the legislature to allow no more burthens to be laid on the people than, all circumstances considered, are absolutely necessary. Thus, when a duty is imposed, they should take care that the consumer pays no more than the real amount of that duty, besides a fair advance on it for the interest of money, risk, &c.

But this is not sufficient; another necessary attention in this line is, to prevent the accumulation of price, in consequence of repeated purchases before the article arrives at the consumer, that it may go through no more hands than are absolutely necessary to bring it to market. Under this head we will define,

1st, Such articles as chiefly require, and will bear regulating.

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2d, The

2d, The impositions which, though great, are almost too secret for detection, but may be easily removed by

3d, Some additional nervous regulations; for, to speak mechanically, the power to restrain should increase, as does the effort to resist.

Importations from foreign countries are chiefly, if not entirely, what may be denominated articles of luxury. They are besides of uncertain produce, and thus the imports being sometimes more than at others, those articles seldom increase in price, though they should go through twenty hands instead of one, the fear of a glut operating to keep them down; and being in themselves luxuries, the injury done to the community is not so great as to justify a powerful restraint, which is certainly commendable in an article of real necessity. Thus, suppose a monopoly of port wine, few people would regard the evil equal to a want of meat or coals.

Foreign commodities, therefore, do not come within the necessity or policy of a regulation. Articles, the growth and manufacture of our own country, are more necessary to life, more generally

generally in use, and more easily regulated. We can watch them from their origin; we can judge better of the precautions necessary to encourage in one stage, and to check in another; and we can more surely determine the number of hands necessary to bring to perfection.

We will pass over all articles except those which immediately affect the poor, such as

Coals,

Meat,

Bread, (to which as a substitute) we will add

Potatoes,

Soap, and Candles.

The article which necessarily passes through many hands before it is brought to perfection, can with less ease be regulated than another. It is the same with such whose manufactures depend on a secret process, and are in the hands of a few; but those enumerated above are simple in themselves, and require no more than the hand of the legislature, to enable the consumer to receive them as cheap as the nature of them will admit, by passing through the medium of as few hands as possible. To evince this the article of fish need only be mentioned, to those who remember the price, and the

scanty supply, before the passing of the act in the year 1760, and which requires only a perusal, to astonish such as are unacquainted with the tricks practised by those who have the management of the most necessary articles of life.

There can be but three classes of people through whose hands these articles should pass: 1st, Those who originate them.

2d, Middle-men, or those who convey them to market.

3d, Ultimate venders, or those who sell them to the consumer.

It is not of the first of these that the public have any reason to complain; for when coals are dug and raised to the pit's mouth—when grain is got into the barn and threshed—and when cattle are bred and fatted, these are all done with the utmost economy; and when the price of labour and rent are considered, they will be found to have been sold as cheap as it is possible. It may be said that the farmer is an exception to this division, and that he acts both as an original and as a middle man; but, on examination, it will appear otherwise, for it is now the universal practice to sell by sample; and if, in consequence of a sale, he carries the grain

grain to the purchaser's storehouse, he is, in that respect, no more than a carrier hired by the purchaser; for whether he sells it by a sample, which he shows at a market, or at his own barn, it is in truth the same thing.

In coals, those who bring them from the pits mouth, and convey them to the place of consumption, must be considered as the middle men. In grain, those who have the possession, between the farmers and the ultimate venders; and in cattle, the drovers only should be considered as the middle men or conveyers. Having thus defined our terms, we will proceed to consider the article of

Coals, and we shall find, if we take the trouble to examine, that however necessary it may be to employ waggons, barges, and ships, there is no reason whatever why they should change their owners between the pit and the ultimate venders, for one owner can pay the necessary charges of conveyance as well as twenty; in order, therefore, to reduce matters to a certainty, coals changing owners between the pit and the ultimate vender, should be liable to forfeiture, and the coals, or their value, recoverable by any one who shall sue for the same.

One weight and one measure should be invariable in coals, as in grain ; the want of this regulation is a great means of confusing the subject, and that art it is, which gives the pre-eminence to every juggler. The prices of conveyance, insurance, &c. should be regularly published. The middleman for taking, and the ultimate vender for paying more than a certain reasonable percentage on the charges of conveyance, should be subject to a heavy fine. The ultimate vender ought to be allowed those charges that do not depend on distance ; those that do, should be as regularly defined as the fares of hackney coaches, that is, by the mile ; then the merchant or ultimate vender should, at the foot of the bill of parcels, add a certain percentage, and the magistrates should, on every change, publish the price to be given for every class of coals. Thus a coal merchant's bill would consist of four articles—1st. Price of the coals—2d. Percentage on them—3d. So much per mile—4th. Shooting by the distance. Coals, sold by the peck, must of necessity be higher than by the chaldron, on account of the trouble and the waste in measure ; and as this is a misfortune which cannot be totally prevented, it is proper it should be alleviated as much as possible. Petty shops of all kinds are a great drawback
on

on the industry of the poor ; for in them they are cheated in weight, measure, quality, and price. It is therefore a matter of consequence, in this article of coals, to put them under some restraint. No one should be allowed to keep a coal shed, who is not a merchant, or who will not give security that he will not purchase, except from the vessel, or the pit ; and his percentage should increase only so far as will make up the wastage and extra-trouble on such retail trade. Parishes would do well to lay in coals at their own cost, and sell them in small quantities, at such a price as would save the expenses only.

Cattle, calves, sheep, lambs, and hogs, in their lean state, must necessarily frequently change owners, and therefore the fatting grazier should be considered as the original possessor. No more than one person should be allowed to purchase between the grazier and the retail butcher. Carcase butchers are evidently unnecessary ; for if a beast is too much for one butcher's sale, he can very easily join with another. Every beast brought to market should be distinguished by some indelible mark or other ; and if brought a second time, it should pay such a sum as would tend to discourage that practice.

tice. All cattle brought to market after a certain hour, should pay double ; brought before another earlier hour should be free. This would prevent the practice of feeding the market. One market is not enough in a large town, two would create a competition. The different pieces in which each creature is usually cut up, should be classed as prime, second, coarse, and offal, and be regulated by the price of the carcase ; and, considering the offal, the hide, and fat, as the butcher's profit, and which are usually denominated the fifth quarter ; the rest ought to make up, one with another, what the whole beast actually costs. If that, on a thorough investigation, is found not to be sufficient to support a family as a butcher's should live, something more should be added, but at any rate the price ought to be defined. There appears, however, to be one objection to this last proposal, which is, that all meat is not of an equal quality, and its price should bear a proportion to the pains which have been taken with it. This seems to leave a discretion with the butcher ; certainly he ought to have that discretion, until a fixed hour of the day ; that those who chuse to give a greater price for a fancied excellence should do it ; but let the poor and middling ranks of people have that which is
really

really good, at the cheapest possible rate. The existing laws, and the graziers interest, are sufficient to prevent the introduction of unwholesome meat.

Grain is an article of the greatest importance, and requires more investigation than I am able to give it. I should however suppose that wheat is the species that at present calls loudest for the attention of the legislature. The farmer is the original possessor, and one other person is sufficient to convey it to the ultimate vender. If it is of so low a price as to admit of exportation, the exporter should be allowed to stand for the ultimate vender. No farmer should be allowed to buy any grain or meal to sell again. A middle man, when flour is at a certain high price, should be obliged to sell a proportion of standard flour, or that from which the coarse bran only is taken, if ordered by the magistrates. No miller should be allowed to be a middle man, except when the flour is under a certain price; for the public should have some one in the trade interested in keeping it down. Whenever flour is at a certain price, a power should be vested in government to order, under pain of forfeiture of the article, or its value, that every farmer, middle man, and exporter, should

should make a return to the magistrates of each county, or to government, of the quantity of grain, flour, and meal, of each species, in their possession; and if it is excessive high, they should be obliged to have the wheat ground, and to sell it of such qualities, and in such mixtures and way, as they shall be ordered by them. Whenever exportation is stopped, an exporter, if a merchant, as a middle man, should be allowed to sell the quantity he has on hand to any one he pleases, and no more; unless he ships coastways, and then he should give bond for its delivery at the port to which it is consigned; accidents at sea and the enemy excepted. In time of war, if a person should ship grain coastways, and chuse to sail without convoy, it ought to be presumed that he has some improper design, and all the policies of insurance should be void. Such measures as these would be strong, and could be justified only by the infamous conduct of those who are at all times on the watch to evade the laws, when a profit is in view. A general high price can never exist, but from a real scarcity, and that is occasioned only by short crops, or too extensive exportations.

At an average, seven pounds of first flour will make nine pounds of fine bread ; but seven pounds of what is termed household, or seven pounds of standard, will not make more than eight pounds and a half of bread. The price should therefore be such, as to enable the baker to receive the same profit on one loaf as on another. If this is attended to, the bakers will have no objection to make any kind of bread they can sell ; but if this is not done, it cannot be expected we should have any bread but that which they make the most profit by ; for the price of a pound of flour, fractions excepted, is always that of a pound of bread, and the increase in weight is the baker's profit. The following manufacturers make use of wheat or flour, starch--hair powder and trunk-makers--distillers--bookbinders--paper-hangers--paste-board makers--upholsterers, and they certainly consume too large a portion of this necessary of life. Whenever, therefore, wheat arrives to a certain price, the use of it in these branches should cease of course ; the consequence would be, that every means would be put in practice to find a substitute, and, if successful, would be of great *immediate* advantage to the community, by throwing that wheat, which would otherwise

otherwise be taken for such purposes, into the general mass which is consumed for food. A doubt may, however, be entertained whether such invention would *ultimately* tend to create a public benefit; thus much is certain, the farmer will always sow that grain, which, taking the quantity of manure, and other circumstances into consideration, will produce most profit. If then, in consequence of a less demand, the price should fall, he will do his utmost to procure some other crop that will yield him more. In short, in proportion as we destroy *unfair* monopolies, every thing connected with traffic will find its level. The great difficulty is, to distinguish the true from the false in trade; a mistake is easily made by a sanguine mind.

Potatoes, as a substitute for bread, are a most essential article; for if well managed, they will keep down the prices of grain. I find, on examining the report of the committee of the board of agriculture, that 500 bushels may be estimated an average crop, especially near London; and 70*lb.* an average weight, which, at one shilling a bushel, is 25*l.* an acre. An average crop of wheat is twenty-five bushels to an acre, average weight 60*lb.* average price 7*s.*

7s. 6d. a bushel, which is 9l. 7s. 6d. an acre; and, except potatoes, wheat is as good an increase as a farmer can have, where his land is of a kind that will suit a course of arable crops. An acre of potatoes, at *seven* pence a bushel, and an acre of wheat, whose produce is thirty-nine bushels (a most uncommon crop) at 7s. 6d. are equal. If a bushel of potatoes will yield three pounds of flour only, an acre of them is just equal in weight to an averaged acre of wheat, without any deduction for bran. It is therefore intolerable, that there is no getting a pound of potatoes, even in the fall of the year, when there is no excuse on account of the great storage which potatoes take, under a halfpenny, for the worst sort, which is 2s. 11d. a bushel; and if the best sort is wanted, we must pay 2d. for three pounds, or about 3s. 10d. a bushel, equal to 95l. 16s. 8d. an acre! This is occasioned by the potatoe merchants, for it is the farmer that brings the crop to market. This potatoe merchant thus becomes as great a nuisance, in his line, as the cutting butcher in another. There is no carrot or turnip merchant, nor is there an occasion for any in the article of potatoes. But if even there was any occasion for dealers of this kind, every parish should have one, at least, of their own appointment,

ment, and thereby regulate the price according to circumstances, and keep those dealers within reasonable bounds, who, if they have nothing to check them, would, like the Dutch East India Company, rather destroy the article than lower the price.

In regard to soap and candles, the manufacturer should be considered as the original possessor, but there should be no middle man between him and the ultimate vender. The price of meat, with some attention to the imports of tallow, should regulate the prices of these articles, by the addition of a reasonable percentage.*

Injudicious and improvident taxes, and unnecessary burthens on provisions, previous to the exposure to sale by the ultimate vender, tend to enhance the necessaries of life ; but they are not the only causes of it ; there are several others, such as combinations among workmen to raise the prices of labor—the increase of the poor's rates, occasioned by the present idleness and mismanagement of the parish poor—con-

* This is already in some degree practised by the chandler's company, but not effectually.

finement of persons for debt, or crimes—and by permitting beggars, or any persons having no lawful means to procure a living, to pass their time in idleness.

Whoever is unemployed is a burthen to the rest of the community; for it is self evident, that if in a society of persons consisting of a given number, one half are idle, the other must support them directly or indirectly, in food, lodging, and cloathing. Supposing in the industrious half, an exertion equal to double their own necessities, whether the idle are to be supported or not, it follows that they would have a profit equal to the consumption of the idle in one instance, and none in the other. If then men in business are able to support their families only when every person in the community is employed, and when each one contributes his share to supply the rest with the article of his manufacture, what must be the consequence if one person in that community omits this duty, which certainly as much attaches to him as to the rest? The others must suffer in the proportion as one is to the rest of the society. If that society is large, the defalcation of one man is only as a drop from a bucket, and consequently not perceived; but as a bucket of water is made up of drops,

drops, very many of them may form a large proportion of the measure.

On every rise of the poor's rates, the manufacturer and the farmer, as we have before seen (p. 150) must, in self-defence, add something to the articles in which they deal. If those articles are for home consumption, the rise has no effect, as it has before been proved (p. 151) on any part of the community, except on the person who subsists by a fixed income; for to others, it is immaterial whether a pound of meat sells for a penny or a shilling.* The principal evil then would be this, it would raise the price of our manufactures until we could not dispose of them to foreigners; the issue would be, that so many of the labouring manufacturers must be discharged as are superfluous to the foreign demand. These, also, if in a time of peace, would become an additional burthen to the parish rates, which being collected from those who have employment, would thereby again increase the article of manufacture, until it would be no longer made here;

* It may, however, have a tendency to expel foreigners who come here to gratify their curiosity; for finding living so much higher than in their own country, it will probably tend to render their residence irksome.

and then we ourselves should be obliged to resort to foreigners for a supply, and thereby not only lose our former profit, but add to our loss, by a purchase from others. Such people as could not submit to the wretched alternative of living on charity would contrive, in spite of the laws, as a last resort, to emigrate.

Fortunately however for this country in general, and for the poor in particular, who seldom know their real interests, and who, taking war and peace together, never lived better than they do now, our ingenuity in inventing machinery to spare expense, or to accelerate labour, has more than kept pace with the increased prices of the necessaries of life: and our manufactures, thanks, I say, to our mechanical ingenuity, are yet in demand. If the poor had been suffered to continue their destruction of new machinery, and their combinations for wages every where else as they long did in Spital-fields, Taunton, and in Lancashire, provisions would have been much higher than they are now, and our manufactures have been deprived of their only support. We should consequently have had little or no trade.

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If we are wise, we shall not only exert our utmost endeavours to suppress combinations to raise wages, but endeavour to decrease the prices of the necessaries of life ; and also to keep up the spirit of mechanical improvement.

Let us be cautious that our manufactures do not get into the hands of foreigners ; the consequences will be most injurious when they do. When a nation becomes sensible she can rival us in an article we once excelled her in, she will use her utmost endeavours to add a second, and many other instances to the former.

We have thus far treated of the prevention of crimes by the most gentle means ; we will now proceed to the second, which is of a harsher nature, and can reasonably be practised only when the first has failed.

ON CRIMES,
 AND ON OUR
 ENGLISH PUNISHMENTS.

JUDGE Blackstone, in the 18th chapter of the Fourth Book of his Commentaries, says, “ It is an honour, and almost a singular
 “ one, to our English laws, that they furnish a
 “ title of this sort” (*the means of preventing offences*) “ since *preventive* justice is upon every
 “ principle of reason, of humanity, and of
 “ sound policy, preferable in all respects to
 “ *punishing* justice; the execution of which,
 “ though necessary, and its consequences a
 “ species of mercy to the commonwealth, is
 “ always attended with many harsh and disa-
 “ greeable circumstances.”

This is certainly a panegyric on our laws which they do not merit; for it will be found, on reading this 18th chapter, that a pledge or security for keeping the peace is the only in-

stance the learned judge could give in support of his assertion. The truth is, that the infliction of punishment has, in all countries, ever been the favourite prevention of crimes ; and a candid inquiry will oblige us to confess, that if any other means have been, even of late years, adopted in England, it has been thought of and practised by private people or societies, but never by the legislature. Fierce and revengeful, our criminal laws view nothing prior to the effect : they seem in close alliance with the grim king of terrors, and for his sake to spread wide and more wide the net of destruction, whose meshes are now drawn fine enough to take in the utmost insignificance.*

In treating this subject we shall find, that many things are necessary to form a perfect code of criminal laws. We will divide them as follows :

1. The nature of the punishment.
2. The ends to be obtained by punishment.
3. That it should be proportioned to the crime.

* See Blackstone's Commentaries, Book IV. the whole of chap. 1.

4. That

4. That punishment should be rendered as near as possible the attendant of crimes.
 5. The means of causing that connexion.
 6. Scale of crimes and punishments.
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The Nature of the Punishment.

THE nature of the punishment is of essential consequence towards not only the prevention of crimes, but the cure of vice.

A person who commits a crime, generally acts from the following motives :

Passion, Jealousy, Revenge, or Security,	} as in murder.
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Unavoidable distress, Dissipation, or Idleness,	} as in frauds and robberies of every denomination.
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Avarice,

Avarice, or the
Desire of gain, { as in receiving stolen goods,
usury, perjury, and smuggling.

When a person commits murder from passion, it is because he is, for the moment, deprived of his reason. He is then much more a lunatic than one who is guilty of a deliberate suicide: the gallows, at the moment, does not stare him in the face; if it did, his reason would return; for a gust of passion only never occasioned a deliberate murder; it is a contradiction in terms. If this is granted, such a person is as much a lunatic, in the eye of reason, if so during the committing of the crime, as he who was such some time before, or who continued so afterwards. Persons of quick apprehensions and suddenly violent dispositions are those who commit murder from passion. A public execution to such is a transient business, and in these kingdoms is become so frequent, as scarcely to attract the attention of passengers, or even of those in the neighbourhood.* It is besides

* Beccaria, chap. xxviii.

The only execution I ever saw was in the end of the year 1793, and that was accidental. As I was passing one morning, earlier than usual, from Snow-hill to New-gate-street, just as I got in the middle of that broad part,
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besides, so generally adopted as the sovereign remedy, that very few attend to it so far as to discriminate the offence for which the wretches suffer, or to make any application to themselves. We may venture to say, that no person in this country corrects his passions from seeing a criminal suffer at the gallows. If death was ap-

at the corner of St. Sepulchre's church yard, I accidentally turned my eyes towards Newgate prison. I say, accidentally, for there was nothing extraordinary, except the railings, to attract my attention. I then saw a thing, like a black bag, dangling from a beam; for I was so much taken up with my own thoughts, and being accustomed to the bustle of London, that I was not immediately sensible what it was. When, however, I did recollect myself, the sight shocked me very much, and I hastened away as fast as possible; but I could not help remarking, that there was no unusual number of persons standing about, except near the gallows, and there as many perhaps as if two boys had been fighting. After I had got under that part of the wall which joins the prison to Newgate-street, and consequently out of view of the hateful sight, I stopped to look about me. Close to where I stood sat a woman selling fruit, and a man cleaning shoes; I asked what crime the man was hanged for, but neither could inform me. All round, and as far as I could see, there was no other appearance, except the railing, but what may always be seen at that time in the morning. I particularly remarked several people passing by as I had done, without any other attention than a transient look. I sincerely believe, had it not been for the temporary rails, I should not have seen the execution at all. I had often heard of this indifference, but never could comprehend how it was possible that the lower sort of people could be so unconcerned at each other's misfortunes. I, at that time, concluded it proceeded from the frequency of the sight; a proof, at any rate, that the criminal laws stand in need of reform.

plied only to the crime of murder, the effect would probably be greater than it is at present; but even then it could never have the same good consequences as perpetual imprisonment, accompanied by hard solitary labour; for that, as a punishment for the crime of murder, gives the criminal leisure for repentance, which to a Christian is surely an object. He may be made to repay to the wife, the son, or daughter, as much as in his power, by means of his labour; and those of the town or village where such persons reside, who thereby are daily reminded of the sad effects of unbridled resentments, will learn to correct their tempers by his crime and punishment.

Jealousy and revenge, when they produce murder, are no acts of lunacy, but have been rankling in the breast until they gain vent on the unfortunate object. To punish these with death is generally to do the very thing the wretched being wished. Would the execution of Hackman produce any good effect on the mind which felt as he did; his object was to die: stimulated by jealousy, he wished to die revenged. But had this man, when taken alive, been doomed to perpetual solitary labour, another Hackman might have put himself to death,
but

but he never would have run the risk of Hackman's fate. Think of that poor wretch, the inhabitant of a dismal cell, with all the agony of his crimes upon him, whose only amusement there is the labour he is confined to, withheld from every better hope, until nature sinks beneath old age.* The idea is horrid, and but for his future happiness, we would wish him dead. With that in view, we see him gradually subdue his passions, we hear him ask forgiveness of his God; then return with calmness to his labour, in order to repay society as much as possible for the injury he has done it, and finally with prosperity to the benevolent legislature, who, practising on the principles of real Christianity, has done him good for evil.

When murder is committed in order to obtain security, the fault *must* be in the laws;† for no man, devoid of real religion, who knowing the punishment to be the same, whether he commits murder, robbery, or both, but would add the first to the second, in order to obtain security. There never was any thing more ab-

* Beccaria, chap. xxii. para. 2.

† Ibid, chap. xxviii. para. 5, 7, 8, 10, 13.

found in such an enlightened age and country; and yet no one of sufficient influence, in a society which otherwise may fairly boast of its good sense, has ever stepped forward to remedy the evil. No man of observation but acknowledges the error, and yet we bear the reproach of foreigners, and the consciousness of impropriety, with an inhumanity in every other instance a stranger to our national character. What plea is urged in extenuation of this singular contradiction? It is dangerous to make innovations. Wonderful, that Englishmen should annually and unnecessarily put to death not less than a hundred of their fellow citizens as a sacrifice to custom!*

In this instance, at least, the nature of the punishment is evidently of essential consequence; for if a person knew, that by an addition to the atrocity of his crime, he should add to his punishment,† there are few who would venture, even in hopes of security,

Unavoidable distress has undoubtedly urged thousands to commit crimes, which they would

* Beccaria, chap. xxxiv. para. 5.

† Ibid, chap. vi. para. 6—chap. xiii, para. 4—chap. xxvii. para. 1, 2, 3, and 4.

have shuddered at in prosperity, or even if it had been in their power, by industry, to earn a bare subsistence. The want of bread to eat, and the cravings of a family, have been, and are at this moment, the bitter portion of many who were once in affluence, and are now deprived of every support by the rapacity attendant on a law-suit, or the swindling of a wretch who has basely involved credulity in his own necessities. Such, though unfortunate, ought certainly, if criminal, to endure a punishment as an example to others ; but let them and their families retain some hopes of reunion. Therefore, in order to prevent crimes, a person in distress should have it in his power to apply with effect for employment,

Because he is deserving of it ;

Because it is a disgrace to the public that he should starve ; and

Because the public security says he shall not steal.

If there is no other alternative but to starve or to steal, for suicide is out of the question ; and if an unfortunate wretch prefers the latter to the former, I defy the most obdurate and the most unfeeling to say, he is not justified by reason ; but if he does it under certain circumstances,

stances, the laws will not allow him *the benefit of clergy*; and, without a dangerous interposition, he must suffer death. Suppose then this statement to be founded in truth, our criminal laws are so far unsupported by reason.

The dissipated and idle, when guilty of crimes, should be punished in proportion to the heinousness of them; and of all the crimes which a human being can commit, there is not one to which hard solitary labour will so well apply as to these:* it is so evident, as almost to require no argument to support it. We are accustomed to say, that “habit” is a second nature,” by which we mean, that any thing which at first is irksome or difficult, becomes familiar and easy by practice. There are many, no doubt, who at first would be incapable to endure great bodily fatigue; but habit would soon increase the ability, and render it less painful. The warning would still be equally dreadful to those who had never experienced it. On the criminal’s return to the world, the necessity of being industrious, either with or without the shame, would soon decide his choice; and provided they could get em-

* Beccaria, chap. xxii. para 1.

ployment by asking for it, few or none would run the risk of another visit to a place where they found no comfort ; but in lieu of it, their own solitary and wicked reflections, attended by remorse and daily punishment. What they had undergone would afterwards furnish a lesson to others, which might conduce to sober thoughts, and reformation of manners ; and such should be the design of all punishment. But if a criminal is hanged, or sent to Botany Bay, this intention of punishment is defeated.

There are two crimes which I will not name, that would merit the greatest punishment, provided we were justified in revenge ; but as prevention is more to the credit of any code than what arises from a harsher motive, our present punishment is *more than sufficient* to answer the purpose, particularly as that prevention can be rendered infallible.*

Crimes which are infamous in their nature should undoubtedly receive a very different punishment than others ; and though all crimes should be considered as infamous, there is a public opinion to which the laws should bend.

* Beccaria, chap. xix. para. 4.

Of crimes occasioned by avarice, those of receiving stolen goods, and perjury, are certainly, in the opinion of every body, to be termed infamous; but smuggling and usury are not equally so.* The former, therefore, should receive a corporal punishment, the latter suffer by fine only; to which discrimination, to do them justice, our laws certainly in general attend.†

We have hitherto spoken principally of crimes which render punishments necessary, we will now consider the several species of civil punishments in themselves. They are as follows:

1. Death.
2. Dismemberment.
3. Branding.
4. Whipping.
5. Pillory and the stocks.
6. Imprisonment and hard labour.
7. Transportation.
8. Banishment, and
9. Fine.

* Beccaria, chap. xxxiii. para 1.

† Ibid, chap. xx.

Whether death is inflicted by hanging or decapitation, provided it is instantaneous, it is immaterial both to the criminal and to the public: it is so also to him, whether he is afterwards drawn and quartered, burnt, dissected, hung in chains, buried in the highway or church-yard, but not so to the nation. To exhibit a scaffold, like shambles, for human flesh, is abhorrent to our nature, and excites resentment rather than fear. To string human carcases, like moles or rats upon a stick, is very common upon the Thames and highways, and yet robberies are committed under, or within sight of them, almost every night; which proves the practice to be useless at least; and if so, it is very barbarous, and at any rate very disgusting.

It is wonderful that women alone are by our laws liable to be burnt alive; but as the practice in this particular amends the law, it is no further of consequence, except to show, that we can trample on the laws when it suits our purpose, and likewise to exhibit the spirit of some former times. The men, having the power, inflicted a partially cruel punishment on that sex, who rather merited their compassion. It was a degree of inhumanity which the wildest native Indian would have blushed at.

Equally

Equally so was it to pare and lop off the limbs of a fellow creature, for any crime whatever. It was not only cruel in the act, but it was the surest means to confirm the criminal in roguery; for thus marked with reproach, and cut off from honesty, he had no alternative than to associate with others in similar situations, who formed a gang, made desperate by revenge and necessity. For what was the world to them? They were not only proscribed in their native land, but through all the earth besides. Thank heaven, amidst all our faults, we have this to compliment ourselves upon, that however we have increased our capital punishments, we have by custom, though not by law, decreased their cruelty;

For branding, which, if inflicted as directed by law is little better than dismemberment, is, if the executioner pleases, done with a cool iron, and thereby becomes little more than a ceremony. But, on the other hand, what is this but a mockery of justice? and to the full as ridiculous as the penance of wearing peas in the shoes with the tacit permission to boil them.*

* An artifice not uncommon in Catholic countries.

Whipping is still in practice with us, and were it executed in private only, but with a due severity, might be a very good punishment for hardened, young, or sturdy offenders, to whom work, by habit, would probably come light; but when the executioner can be bribed to perform it in appearance only, and it is inflicted in public, it serves, like the pillory and the stocks, more to harden than reform; for it is very observable, that in the army, when a man has once been publicly whipped, even though for a trifling fault, and that on a forced construction perhaps, he never again has that sense of shame or of honour which he had before.

Imprisonment, as it is well or ill accompanied, is productive of good or bad effects. Confine a man in idleness, suffer him to get at liquor, and allow him bad companions, it is self evident that he must become worse than he was before. Keep him sober and to himself; make him work hard, and reason with him on the *folly* as much to the full as on the *wickedness** of his past conduct, he must be bad indeed not to improve by it. But we

* Beccaria, ch. xviii, para. 1.

will no longer dwell on this subject at present; we shall be furnished with sufficient opportunities, in the course of this treatise, of recommending hard solitary labour.

Transportation and banishment,* though both of them an expulsion from our society, differ in this, that the former is a compulsory residence in one particular spot or country, fixed on at the discretion of the executive power; and the latter is merely a decree, which obliges the party, as the law terms it, *to abjure the realm*, but leaves him the choice of his future residence. The law, however, in both cases prohibits a return within a fixed period, and inflicts a capital punishment on a breach of this injunction. Transportation is necessarily at the expense of the state, banishment at that of the criminal. Formerly they were both, in reality, equal in degree of punishment; they differed only in the expense; for the American colonies, being the seat to which criminals were transported, they might, if unknown, reside in a very respectable society, and the proportion of bad thus imported were lost in the superior multitude of others; or they

* Beccaria, ch. xviii, para. 5.

might proceed to other foreign countries, and thus finally suffer no more than those who were originally banished. But a change of circumstances has varied the place of transportation, and an extensive island in the South Seas is now selected for its circumscribed bounds. The vast distance of this spot from civilized society, the infamy of all the European inhabitants, except those who are set as guards over the rest, and its uncultivated state, render transportation a more marked, and, in fact, a severer punishment than it was formerly, and than mere banishment is now. It is therefore, reasonable to discriminate those crimes which merit the one and the other punishment.

When a person is condemned to transportation or banishment, it is the same as to pronounce, that to deprive him of life is a punishment too severe, but that he is a subject too dangerous to be suffered to reside in our society, either in prison or at large. These implied causes of expulsion attach as much to transportation as to banishment; but we have before observed, that there are crimes which are infamous in their very nature, and there are others, such as smuggling and usury, that in the eyes of the world are not equally so.*

* Beccaria, ch. xxxiii, para. 1.

There is likewise another class, whose criminality depends on opinion. Some may stigmatize an action, or the promulgation of an opinion as a high crime or misdemeanor, and others may exalt it to virtue, and call it patriotism, or holy zeal. A man, therefore, who becomes dangerous to the state and to society, in pursuit of what he and his followers consider as a duty to God or to their country, is not criminal in the same light as if he had committed a robbery. If sincere, he only falls into an error, but may still be an honest man. But if that error is considered by the constitutional tribunal of his country to be dangerous to society, the executive government does no more than its duty in obliging such a man to *abjure the realm*;—it is, however, an act of great severity, and a disproportioned punishment, to send him to dwell perforce in a “den of thieves,” without a possibility of retreat.

It has been already said, that fines, under certain circumstances, are a proper mode of punishment; but it is the worst policy imaginable to allow them to go into the Exchequer.* Fines so destined bear too much

* Beccaria, ch. xvii, para. 11

the appearance of the personal interest of regal power, which, like Cæsar's wife, should not only be really pure, but free from suspicion. To have their full effect they should be formed into a fund to check the crimes of others, and be made rewards for faithful servitude. Thus employed, fines would operate as does a duty laid on a foreign manufacture given as a bounty to encourage domestic industry. A detected crime should, like the scorpion, furnish its own antidote.

THE ENDS TO BE OBTAINED BY
PUNISHMENT.



HAVING unavoidably treated generally on this subject in the preceding section, we will now confine ourselves to the object more particularly.

When the laws punish, they should do it with the same view as a good parent chastises a child, to reform, not to revenge;* therefore, all punishment which is not absolutely necessary originates in error, and should be amended; or from barbarism, and in an enlightened age and country should be abolished. The laws of antiquity have at times, as it were, hurled thunder and lightning, not to reform but desolate mankind; they were suited to the then rough and warlike habits. Now, like the mild influence of our religion, they ought to persuade the understanding, and amend the

* Beccaria, ch. xix, para. 2.

heart. But we flatter ourselves on the subject of our refinement. There are yet some weeds to be eradicated from our customs ; and a few rough features to soften in our laws. These, it is true, we owe to our ancestors ; but, because they were as wise as their educations would admit, shall we only profit from their experience, and not thereto add our own ? Have not the manners changed, and shall not the laws ?

When a mild punishment will answer the same purpose as one more severe, there certainly can be no advantage in inflicting the worst ;* and as the end of punishment is to benefit society, and not to amuse them with cruelties,† the most ignorant, unbiaſſed by revenge, will decide in favour of humanity.—Charity ſhould even doubt, whether we have any right to take away the life of a fellow-creature in any inſtance whatever. Thus much is evident, if a perſon dying in his ſins is, as ſome aſſert, doomed to endless puniſhment, we ſhould be very cautious how we deprive a man of the power of repentance. How many are yearly executed, denying to the laſt the

* Beccaria, ch. xii. para. 2.

† Ibid. ch. xix, para. 1. Bl. b. iv, ch. i, pa. 9,

crimes for which they suffer! Appearances may be much against him, and yet a man may be perfectly innocent. At least, it is not probable that a person, who at the moment when he is about to be launched into eternity, and shows contrition for the sins of his past life, will add to those sins when he has no hopes of pardon in this. It surely then appears unlikely that all who are executed, and yet have persevered in asserting their innocence to the last, are really guilty. However, as long as death is almost the indiscriminate punishment, there can be no remedy to such a misfortune.

Punishment should bear a Proportion to the Crime.

IT cannot be too often repeated, that punishment should neither be too lenient nor too harsh; nor should a crime, not held infamous, endure the same penalty as one that is so.

Too much lenity in punishment is a degree of impunity; for if a man's hopes in committing a crime are greater than his fears, it will undoubtedly be an inducement sufficient to

to urge him to the deed ; and if the penalty is too harsh on inferior crimes, they usurp the place of greater ; the consequence is, we are often at a loss to find a proportioned punishment.* It is this fatal evil, urged on by *revenge*, not reluctantly drawn from *charity*, which has made our criminal code so sanguinary, and that of other nations so cruel. How many intervening crimes are there between picking a lock and deliberate assassination? And what difference do we make in the punishment? Wonderful to relate! in this and other barbarous countries the criminal code was at one period so mild, that any crime whatever might be compounded by a fine;† and in these days, when every press teems with fulsome compliments on our politeness of manners, delicacy of taste, enlightened understandings, profound philosophy, and lofty sentiments, a man loses his *life* for *stealing a horse*!

Which is the most sensible code, that which encourages the worst crimes by too mild a punishment, or that which threatens every one with death who commits any crime, and yet seldom executes it? Formerly the laws, mild

* Beccaria, ch. xxvii, para. 8.

† Blackstone, b. iv, pa. 413.

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as they have been, were never trifled with ; no man could commit a crime in hopes of pardon, for as the penalty was pecuniary, the avarice of the prince then stepped in to support them.* At present the humanity of the prince must necessarily trample on the laws, or they would in time desolate the land.

We will cite a case in point, from the *True Briton*, Monday, August 12th, 1793.

“ At the assizes for the borough of Leicester
 “ came on the trial of Joseph Bland and John
 “ Edgson, for wantonly and maliciously de-
 “ stroying the trees planted on the New Walk,
 “ near the town of Leicester. The prosecu-
 “ tors, from motives of humanity, declined
 “ giving evidence, the Judge having stated
 “ the offence to be capital under the Black
 “ Act.—Mr. Baron Hotham, after inform-
 “ ing the prisoners of the atrocious nature of
 “ the offence, and the severe punishment which
 “ they must have suffered, had the prosecutors
 “ proceeded upon their indictment, advised
 “ them to enter into his Majesty’s service, and
 “ informed them, that the indictment upon

* Beccaria, ch. xvii, para. 1.

“ the Black Act would still hang over their
“ heads, as a security for their future good be-
“ haviour.”

Let us reason on this report as we find it,
and if it is a true one, here are evidently three
most egregious errors, either in the law, the
administration of it, or in both.

The 9 G. 1. c. 22, commonly called the
Black Act, makes it a crime of a capital nature
for a *person* maliciously to destroy a *tree*. We
will begin our examination of this transaction,
with an attempt to ascertain by what rules we
judge of the heinousness of a crime. A man
kills his fellow-creature ; here is a great offence,
because by so doing he breaks a link of that
chain which first bound society together. It
was for the sake of *security* man first came
from the desert, and for it he patiently endures
those many ills he suffers from his fellow-
creatures. A man enters into rebellion against
his country, and by his eloquence inveigles his
fellow subjects to disturb the peace of the
state ; he thereby renders *security* more pre-
carious than it was before ; he endeavours to
unhinge the confidence reposed in government,
and with his own risks the lives of his associ-
ates,

ates, who, but for him, would probably have lived happy and contented. Here is an act which deserves a very great punishment ; it is, in truth, a capital crime. No one can have a moment's hesitation in pronouncing both these to be crimes of a very malignant nature. Why do we so readily determine the guilt on this occasion ? Because it is the invariable property of a cultivated mind to possess that justice which measures the offence by the degree of injury intended, and actually committed on society. But in destroying a tree a man commits no act of cruelty ; he does nothing which is irreparable ; he disturbs no one but the person to whom it belongs ; the state is not injured or endangered ; he does not even deprive the individual, who has the chief ground of complaint, of his real property, he only, with ill-nature, displaces an ornament which may be planted again. I do not wish to excuse this act beyond reason ; for these men certainly committed a great offence, as most people set a higher value on an ornamental tree than on a property of more intrinsic worth. In the case, however, of a young plantation, almost all the damage, beyond the real value of the plants and the labour, is only a fancied worth, and there can be no excuse for inflicting any punish-

punishment beyond what is pecuniary, or hard labour, or that which is the slightest corporeal suffering in default of property.

Secondly, The prosecutors from motives of humanity decline giving evidence, and the judge permits them to do so.* By this it is evident that both the prosecutors and the judge thought, as every one must, that the punishment and the crime were not proportioned; for had these men been guilty of murder or rebellion, the prosecutors would not have withheld their evidence; and if they had attempted it, the judge would have exerted his authority, and used compulsory measures, rather than thus have given countenance to their escape. But instead of that, the judge, in this instance, suffers the law to be trifled with, and the prosecutors, *before trial*,† to pardon a crime which it is a prerogative of royalty alone with propriety to pardon *afterwards*. When the trial of a culprit in custody, and the sentence of the laws, depend on any other will than the laws them-

* Beccaria, ch. xl, para. 2.

† The legal and proper mercy of a king of England may remit the punishment, but ought not to stop the trial.

selves, either those laws are unjust, or the executive power is too weak to enforce them.

In the third place, the judge informs the prisoners, when he discharges them, that this Black Act still hangs over their heads, as a security for their future good behaviour. If this is law, it is not less unjust than the conduct of James the First in the case of Sir Walter Raleigh. Indeed it is worse, for Sir Walter was executed on his former sentence: he had been tried, and, though unjustly, he had been found guilty by a jury, and the king had sent him, with that sentence hanging over him, on an expedition to America, that he might have an opportunity of doing something which should entitle him to his pardon.*—Now, though these men are brought to the bar, and their prosecutors at hand, though they are discharged without any crime proved against them, and consequently in the eye of the law as innocent as the judge himself, yet they are told that this Black Act still hangs over their heads.

* The king may extend his mercy on what terms he pleases.

Blackstone, b. iv, pa. 401.

Humanity must necessarily trample on our criminal laws, or they would in time desolate the land.*

Punishment should be rendered the sure Attendant on Crimes.†

THIS should undoubtedly be the case in every instance, except where the laws, which provide generally, bear hard in a single instance. The power of pardoning, or of mitigating punishment, is, therefore, lodged where it ought to be, in the first magistrate ; and few instances will occur, as we before observed, when the punishments are mild in themselves, and that the crimes and punishments bear an affinity to each other, that he will have occasion to exercise that power.‡ Much less should the villain be pardoned who basely betrays his accomplices.§ He is thereby tempted to add another crime to the former, and the laws themselves are guilty of an indiscretion at least, by sometimes setting the contriver of the plot

* Beccaria, ch. xxvii, para. 5.

† Ibid. ch. v, para. 1.

‡ Ibid. ch. xlv, para. 1.

§ Ibid. ch. xxxvii, para. 3 and 4.

loose on the world to profit by his former experience. Besides, it is beneath the dignity of supreme power to compromise with a villain. Cæsar, when his life was in the power of pirates, would not even then degrade himself by soothing their ferocity, and, in that perilous situation, threatened them with punishment if he should ever take them. He was afterwards as good as his word.* Benefit of clergy partakes of the same nature, and should be disused. The former practice originates from an imperfect police, the latter from a too great severity in the criminal laws.

Here then the advantages arising from moderate and proportioned punishments are evident; for as there will seldom be a necessity for pardon, it will not often take place; therefore no one will venture on a crime in hopes of impunity. What is it that keeps thousands from committing excesses, either in eating or drinking, but the recollection of former suffering, in consequence of former imprudence? It is the person that *sometimes* escapes that ventures again. No one who was convinced that a particular practice would *infallibly* produce a

* Plutarch's Life of Cæsar.

fit of the gout or cholic, would persevere in it. But if the consequences are not immediate, or are irregular, people flatter themselves that it is any thing else except the favourite indulgence, and no opinion of their best friends will have any influence.

A villain about to commit a crime, always makes a rough calculation of the chances of escape;* which, independent of the peculiar difficulty of proof in our courts, at all times sufficiently favourable to the prisoner, are unnecessarily multiplied by other circumstances. Under the fallacious idea of a tender regard to the prisoner, we leave some avenues open for escape; and detection is become one of the least difficulties in bringing that person to justice, who by experience is master of those arts which can be varied, combined, and adapted to his purpose.† If the criminal himself is ignorant of these tricks, there are learned gentlemen in plenty † who for money will lend

* Beccaria, ch. xxvii, para. 1. Bl. b. iv. ch. i, p. 19.

† Court of King's Bench, June 3d, 1796. The King against Middleton.

Mr. Conft moved for a rule to shew cause, why judgment should not be arrested in the case of the defendant, who had been tried and convicted of a charge of enticing artificers out of the kingdom. The ground on which he moved

lend their assistance to detect the least error in the proceedings, so that not a flaw or mistake of the most trifling nature, or a doubt to cavil on, can possibly escape them.*

But suppose, as is very frequently the case, that a man has been arraigned for a crime, and a lawyer, before judgment, has discovered some inaccuracy, provided the witnesses are all able to attend another day, and every thing which is necessary can be then brought forward, why not rectify the mistake? Is it in a criminal cause, any more than in a civil one, an injury to the prisoner to admit of a new trial?† If the prisoner's counsel can show, that in consequence of the mistake, or other circumstance, his client was found guilty, when, if that mistake had not happened, it is probable he

moved the rule was, that in the indictment the conjunction *and* was used instead of the disjunctive *or*; namely, "manufacturers, workmen, *and* artificers." It was also stated in the indictment, "to America, out of his Majesty's dominions," without specifying what part of America; whereas his Majesty does possess dominions in America.—Rule granted.

The case was argued, and the reasons urged in support of the rule appeared to the court to be insufficient.—Judgment, fine 500*l.* and to be confined in Newgate during one year.

* Bl. b. iv, p. 376. Quotation from Sir M. Hale.

† Ibid. b. iii, p. 406.

would

would have been acquitted, in that case it should certainly be rectified ; but, in order to a total acquittal, he should make it appear, that the prisoner was thereby deprived of some evidence, which could not be produced on a rehearing.

It is known to every one, as a maxim in law, and that maxim is founded in propriety, that a man cannot be put twice in jeopardy for the same offence ; for if this was permitted, no one could escape the malice of power. This, however, is under the idea of an acquittal ; for if found guilty, no change can possibly take place, but what is favourable to the prisoner. It cannot be presumed that a sentence against a prisoner was occasioned by a misnomer or literary error in the indictment or any other writing whatever ; but if found guilty, the reversal of judgment should only take place on proof, that the verdict of the jury was obtained by false testimony, or other circumstances discovered since the trial, and that the prisoner was, in truth, not guilty. This is the real spirit of the English law.* The most lenient administration of justice is to punish, in mercy, but infallibly,

* Bl. b. iv. chap. 30, p. 390 to 393.

every man who is *deserving* of punishment, and the *practice* is evidently imperfect that suffers him to escape.

It appears to any one, except a lawyer, a great absurdity, that the acquittal of a prisoner should depend on any thing but the merits of the case. When a man is tried for treason, the indictment is drawn up from the circumstances which arise before trial; but if on trial it should appear, that he was really guilty of treason, yet not as laid in the indictment, there can be no reason, founded on good sense, for discharging him; for that is putting the verdict in the power of the officer who carries on the prosecution; and the more seeming rancour he shows in drawing up the indictment, the better he will hide his intentions, and the surer he will succeed. A man, therefore, charged with treason, should be tried for treason *generally*, and not for treason as laid in the indictment only; for that supposes the public accuser intuitively acquainted with every circumstance, and a perfect judge, by anticipation, of whatever is to come out on the trial.*

* Trials of Hardy, Thelwall, &c.

If the commission of an inferior, or even of a greater crime, should appear in the course of the trial, a jury should have the power to find that crime, or to acquit, as their consciences shall direct : that is, as an indictment for murder may even now comprehend manslaughter, so should an indictment for treason involve sedition ; or else the prisoner should be liable to be arraigned again for an offence, which on the first trial appeared to have been really committed, though not stated in the indictment. In other words, no man should, on any account, escape punishment for a crime actually committed, and which is capable of proof ; but his acquittal should depend solely on the innocence of his conduct or intentions.

Means of causing that Connection.

EVERY means of escape should be shut to a person who has committed a crime ; every avenue should be stopped : he should be hunted down by every possible contrivance, no matter the expense, no matter the numbers employed. The infrequency of crimes, in consequence of

such a watchful police, would make an ample saving, when compared with the present practice.*

When suspected persons are apprehended, and carried before a magistrate, it is the common practice, provided there appears cause, to commit them for further examination: to this end they are sent to some prison; and especially in London, turned loose amongst the other prisoners, on purpose, one would think, to receive every instruction which their hardened minds and long experience have taught them. But if this practice was reversed, and they were kept separate in quiet, wholesome, but gloomy rooms, and debarred from every visitant, even their own friends, until their examination was over, the transition from perfect liberty to such a situation, unknowing to the steps which at that time were taking against them, and the apprehensions which naturally enter into a guilty mind, would often bring on a voluntary confession, which, though it cannot criminate the prisoner himself, would frequently preclude the necessity of king's evidence. But where a prisoner's acquaintance, or perhaps his accom-

* Beccaria, chap. xxvii. para. 1—xli. para. 2.

plices,

plices, are admitted to see him, to report all those circumstances which are become public : and when strong liquors are suffered, they very much defeat the design of a previous examination.

The detection of receivers is, if possible, a greater object than the principal himself ; *they* are the great supporters and encouragers of the trade. *But* for such, discovery would be easy. They are the masters, the others are only journeymen ; poor ignorant wretches, whose skill consists in the execution alone, they have neither purse nor head to contrive : sometimes indeed we see a clever fellow who is fit for a foreman, and now and then a genius starts forth, who sets up in business for himself ; but unless supported by other influence than his own ingenuity, he soon becomes bankrupt.

Persons of a humane disposition, who would now rather forfeit their recognizance, than be instrumental in hanging a miserable fellow creature, would, if the punishment tended to reformation, prosecute to the utmost of their power, and think they were doing a deed of charity.

All prosecutions, in which the party evidently appears no further interested than in the recovery of stolen property, should be carried on at the charge of the public. People, to whom the expense of a prosecution is an object, would then make discovery of every theft: but at present, a person after he is robbed, weighs in his mind whether he had not better put up with the loss of a few pounds, than incur an expense which he is ashamed to acknowledge is above his ability. In real equity, as well as in sound policy, it is a manifest injustice to add another expense to a person's loss by robbery; for that is occasioned by public neglect, or public misfortune; or in other words, by bad discipline, or want of employment.

Whenever, in consequence of a mistake in the judicial proceedings, a prisoner escaped justice, the officer who committed that error should be for ever discharged from a public employment: were this the invariable rule, such a circumstance would never happen; and if it did, it is better that a dozen careless lawyers should suffer than that one rogue should escape punishment.

We may observe, that robberies are frequent in proportion to the size, or crowded, ill-built state of a city or town; not so much from the greater quantity of game, as from the difficulty of detection; of course there should always be a larger proportion of persons employed to prevent robberies in great than in small cities. No one, under the present management, except the lower sort of people, can be found to do this duty; and after the usual hour of going to rest, when the danger principally exists, it is left to their entire management. The constable of the night is little better than his myrmidons; generally speaking, their chief object is to drink together after midnight, and levy fines on such as have imprudently given them a slight pretence for detention. Should a person who has been misused by these fellows, feel a disposition to resent the insult, his only step is, to summons the offenders, if perchance he can sift out their names and obtain a witness, before some magistrate, who, after trial, will recommend to the parish officers to discharge them. For a small offence this is doing his duty; for what can he do more? These gentlemen, in strict obedience to command, turn off the offenders for a few days, then take them in again, lest their families should become a burthen

burthen to the parish. If the injury is great, the culprits may be sent to the house of correction; but that can never be accomplished under a considerable expense and trouble to the sufferer. He therefore keeps his money in his pocket, and drops his resentment.

In London one cause of this evil is, that the greater proportion of the watch and patrols, both in city and suburbs, are people who labour all day, and frequently go on duty from their labour. That is not a proper time to expect the diligence which is required of a watchman. Admit that he leaves off work at six; in most parishes, in winter, he is on guard at eight; in some at ten; and in this latter case he does not leave it till seven. Watching, under such circumstances, is against nature, and therefore impossible.

There are two towns in Great Britain that will furnish us with instances of the best methods of guarding the public peace at night, Edinburgh and Shrewsbury; the former for a large community, the latter for a smaller; but neither are entirely calculated for London, which is too great for either.

In the metropolis of the north, the watch is a regular establishment of disciplined men, properly

perly officered, who mount guard regularly, as in a garrisoned town ; but this method is supported by great order and a good police. It would take three thousand men to watch London in this manner ; which at first view, independent of the benefits to be derived from it, would not only be too expensive, but might occasion political jealousies and discontent not easily allayed. Though a more perfect method cannot easily be devised, still every thing of this kind is considered as a novelty when practised in another place ; and unless generally approved, plans of this nature are better let alone : for the mass of the people would rather submit to all the inconveniences of the present system, than adopt one which has the air of a military establishment, for the purpose of a civil superintendence.

At Shrewsbury, which is certainly, of the small towns, one of the best regulated in England, the watch is similar to that in London, except that the principal inhabitants take their turn in sitting up every night to superintend it : which is, with some alterations, what might be done in London to a great advantage. In every parish there is a constable of the night ; and if they had some more extensive powers, or rather,

if they but knew what the laws do really give them, and received some additional rewards for their attention, they might be selected from a class of people above those at present employed. The rounds of each should be optional ; that is, to what part of the parish, and at which hour he chooses. There should be a few others above them, who should each have the supervisorship of several parishes. These constables should not have any other employment : the former should rise to a supervisorship, by seniority. Their rewards, either for discovery of fire, or detection of thieves, should be made proportioned to their diligence ; and the constables should be elected by the householders of, and paid by each separate parish, having, on admission, taken an oath of office, and given security for the performance of the duty.*

In

* Saint Mary-la-bonne and Saint James's, Westminster, are said to be the best regulated parishes, as to their watch, in the metropolis. In the former they are changed at midnight, which certainly admits a labouring man to take the rest which nature requires. A proper superintendence in addition to this, and care that the watchmen are not too old, is all that is required to answer the purpose, where economy is considered an object.

In Saint James's the watch continues the whole of the night, and the men are relieved every hour. In the interim they sleep in the watch-house. If it could be so contrived, that instead of one hour, each man should be two hours on guard at a time, except in severe frosty weather, and four hours off, it would be better, provided there was a proper place to lay down in : he would then get some rest to be of service to him ; but it is not worth while to attempt sleep for one hour, or even for two. They have

In a plan of this kind might be united the advantages of discipline, experience, exertion, and economy: for the additional expence would consist only in the increase of pay to the supervisors and constables, which certainly need be but a trifle, compared with the superior degree of security, in all probability, to be derived from the establishment.

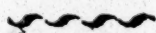
The principal defect at present is, the want of discipline: for there are watchmen enough in most parishes, though in many they are too old, and in others are on duty too long at one time. Every parish ought to have a watchman's alms house, as a retreat to those who were grown old, and had been, previous to admission, a certain number of years on the watch, without an essential interval, except from sickness; and when sick, they ought to be attended at their own houses, by the apothecary of the workhouse: for the very soul of exertion in every one is, the fear of doing wrong on one hand, and encouragement to do well on the other.

have however one excellent practice in this parish, which is, to procure as many pensioners from Chelsea as possible; these men are well calculated for the duty in many instances. But as the whole number of parishes cannot be supplied, a hint may be taken from their method of procuring, after the war, such of the partly disabled soldiers as are fit for the duty, and to whom 1s. 6d. a night, the price given by Saint James's, would be an object, though it is not sufficient for a man who can earn more.

SCALE

SCALE OF CRIMES

AND

*PUNISHMENTS.**

HAVING already sufficiently proved the propriety of establishing a scale of crimes, and a corresponding one of punishments, we will now proceed to show the possibility of it,

There are no actions of that doubtful nature, as to require a moment's hesitation to pronounce whether they are good or bad, useful or otherwise to society. The motive indeed may create a doubt ; but as it is impossible to fathom the heart of man, the laws seldom go further, than to ascertain the fact, and without hesitation decide the motive. This is absolutely necessary ; for if the laws were not to pronounce on general principles, the subject would be liable to endless different decisions, at the op-

* Beccaria, chap. vi. para. 1, 2, 3.

tion of the judge.* As this is the case we will suppose there are few crimes in this late age of the world, when "the heart of man" has been so long set to do evil continually," but what have been committed, and of course noticed by the legislature. Under that idea we must hope, that it is not a difficult matter to ascertain a scale of crimes. Indeed every legislator has attempted it with more or less success, according to his clear or confused notions of right or wrong. Formerly regal avarice or resentment, and religious bigotry, have often cast an influence in the balance, and created crimes which have no foundation in truth, but have served to swell the black catalogue of ignorance, superstition, and hypocrisy. Fortunately this happy country has escaped better than others, and we must confess it with gratitude to the noble defenders of our liberties, that our laws require nothing more than a last polish, which no age or country were ever so calculated to receive as the present. But to subdue the hydra custom is one of those labours, which, like the Augean Stable, requires perseverance, even in a Hercules; for the prejudices atten-

* Beccaria, chap. iv. para. 3—Bl. b. iv. chap. 29, p. 377.

dant on antiquated notions are of that agueish nature, which chill the very medicine administered for their cure: they will adopt every shape of Proteus to overcome truth; and, like him, when deception proves vain, will glide away like shadows, and no one will own them.

The learned judge, Sir William Blackstone, is the first writer who has attempted a complete list of the crimes which are the objects of our laws, and the punishments affixed to each. We will, therefore, make a table of this catalogue of human turpitude, in order to show, at one view, how large a proportion are punished with death; and at the same time, by the order in which they are placed, to affix some proportion between one crime and another, as separated in its individual class; in doing which, we will deviate from the original in some degree, though not essentially.

I. Deprivation of Life.

1. The King (or to imagine it) — — — — —
2. The Queen — — — — —
3. The Son and heir — — — — —
4. The Chancellor, Treasurer, King's Justices — — — — —
5. The Privy Counsellors in the execution of office — — — — —
6. Other persons with malice — — — — —
7. — — — — — without malice { except stabbing, which is death

2. Offences against the State.

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| 1. | Levying war against the state | — | — |
| 2. | Endeavouring to impede the succession | — | — |
| 3. | Adherence to the king's enemies | — | — |
| 4. | Enlisting soldiers for foreign states | — | — |
| 5. | Writing or printing in derogation of the Act of Settlement, or of the power of parliament to limit the descent of the crown | — | — |
| 6. | Counterfeiting the king's money | — | — |
| 7. | — foreign money current here | — | — |
| 8. | — the great or privy seal | — | — |
| 9. | Forging the sign manual, privy signet, or privy seal | — | — |
| 10. | Serving foreign states | — | — |
| 11. | Desertion from the king's army or navy | — | — |
| 12. | Maladministration of public trusts | — | — |
| 13. | Violation of safe conducts | — | — |
| 14. | Infringement of the rights of ambassadors | — | — |

Death.	Dis- mem- ber- ment.	Brand- ing.	Whip- ping.	Pillory or Stocks.	Imprison- ment and hard labour.	Trans- porta- tion.	Banish- ment.	Fine.	Other punishments.
* * * * * *	—								

	Disability.	Arbitrary.	The Game.
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	*	—	—
	—	—	—
	*	—	—
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[illegible][illegible]

5. Injuries to Trade.

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| 1. Forgery | — | — |
| 2. Fraudulent bankruptcy | — | — |
| 3. Owling, or transporting wool or sheep out of the kingdom | — | — |
| 4. Cheating | — | — |
| 5. Transporting artificers | — | — |
| 6. Smuggling, an injury also to the state | — | — |
| 7. Monopolies, and combinations to raise the price of provisions | — | — |
| 8. Engrossing, or extensively buying up provisions to sell again | — | — |
| 9. Forefalling the market | — | — |
| 10. Regrating, buying to sell again, but not extensively | — | — |
| 11. Selling unwholesome provisions | — | — |
| 12. Artificers residing abroad | — | — |
| 13. Usury, or taking unlawful interest | — | — |
| 14. Exercising a trade, not having served as apprentice | — | — |

7. *Deprivation of Property, and the Attempt to deprive.*

1. Piracy — — — — —
2. Burglary, or breaking and entering a house at night, with intent to commit a felony — — — — —
3. Forcibly taking on the high-way, and putting in fear — — — — —
4. An attempt to rob on the high-way — — — — —
5. Carrying away goods above the value of 12d. from a church, dwelling-house, or booth — — — — —
6. Embezzelling the King's armour or stores — — — — —
7. Breaking a house, and stealing 5s tho' no person is in it — — — — —
8. Stealing 40s. in a house or shop, without breaking, though no person is in it — — — — —
9. Privately stealing from the person above the value of 12d. — — — — —
10. Carrying away goods above the value of 12d. — — — — —
11. Stealing to the value of 12d. only — — — — —
12. Concealment of treasure trove — — — — —

8. *Contempts.*

1. Misprison (or concealment) of treason —
2. Contempt against the King's title —
3. person and government —
4. prerogative —
5. Defence of the Pope's jurisdiction —
6. Misprison (or concealment) of felony —
7. Contempt against the King's palaces and courts of justice —
8. Renouncing of allegiance —
9. Reconciliation to the Pope, or any foreign power —
10. A natural-born Popish priest coming from beyond sea —

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Forfeiture.		Disability.		Forfeiture.
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II. Malicious Mischief.

1. Arson, or burning a house, out house, &c. —
2. Destroying ships —
3. dykes —
4. sea and river banks —
5. coal mines —
6. garments —
7. hop-binds —
8. horses —
9. cattle —
10. goods —
11. mile-stones, or lamps —
12. dogs —

P 4

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It has been said, that there are no less than one hundred and sixty different crimes which, by our laws, are made liable to be punished with death.* It may be so; they do not, however, appear in the Commentaries. Shortened as the list is, it is a disgrace to this nation, for we there see polygamy and murder—picking pockets and forgery—house-breaking and rebellion—horse stealing, highway robbery, and parricide, punished in the same degree; crimes which, thus coupled, appear so wonderfully disproportioned as to strike all our lawyers with regret and concern whenever they have written on the subject; and yet, under the idea that the evil was beyond their reach to correct, they have treated the attempt as romantic.†

If the attempt is never made, it is most certain the object can never be accomplished.—It rests with the learned gentlemen of the long robe to reconcile it to reason, duty, humanity, and common sense, that in no one instance have they, who ought to have taken an active and not a passive part in this most important task, done one thing towards it. Unless it is

* Bl. b. iv. ch. i. p. 18.

† Ibid.

recommended by the judges, the legislature will never take so important a step, for the heart often trembles for events which the understanding must approve. In this sense our judges may be called the keys which lock up all mercy from our laws.* The most perilous intricate path in life, if we have been there before, is trodden with less anxiety than the plainest road if known only by description. These fears are natural attendants on every thing which yet requires demonstration: but if from the beginning, we had laid aside, without trial, even all improbabilities, we should now be without half the comforts and conveniencies of life. If it is urged, that the improvements which are now so perfect, were made by almost imperceptible degrees, it must be also added that expectation knew those arts, those sciences, were in a beneficial progression from their origin; and that lawyers have, with lamenting it only, seen our criminal code improve for destruction.

It has been the endeavour, in forming each class of the foregoing table, to graduate the offences, intended or actually committed, in-

* Becc. Introduction, para. 3.—Ibid, ch. xxxiv, para. 5.
dependent

dependent of the pecuniary loss ; for that is supposed to be restored, as in robberies, or the aggressor is liable to pay damages, as in libels. For when damage can be proved, the person who is the cause of it, is, or ought to be, liable to a civil action. It would be presumption to suppose, that in this table, the degrees of each class are perfectly arranged ; but it certainly is none to pronounce, that persons, more versant in legal distinctions, founded on reason and truth, may render them so. It is probable they would be actuated by the following reasoning :

The first compact of society is to live together under one rule of action, to dissolve which is what constitutes a crime.

The 1st then in degree is by the destruction of the chief magistrate, or his successor, or by doing an act which may lead to such an evil,

As, 2d, by directly levying war against him,

Or, 3d, by an endeavour to render him contemptible,

Or, 4th, by defilement of those women who may, in law, produce the succession, and thereby render the title doubtful.

Or, 5th, by any other means to endeavour to render the regal possession precarious.

The

The same dissolution may be attempted in detail, which is consequently not so dangerous to society, because it is an *indirect* attack on the *parts*, the other a *direct* attack, in the person of the king, on the *whole*. Each infringement of each law has a tendency to this effect, and the heinousness of the offence is proportioned to the nobility of the part; against the king as the head, or the people as the limbs. Riots and tumultuous meetings of all denominations are criminal in proportion to their object; the

6th, therefore, is to petition, or any ways to address the king tumultuously; for it is a plausible attempt to use compulsion to his person; the

7th, is any riotous assembly to force the doing of that, which either the laws forbid, or which they have decreed, and which, therefore, requires only a regular process to accomplish.

Injuries to the community are of more consequence, in the eye of the law, than to an individual; and, therefore, in general, are treated with more severity. But *person* is of more consequence than *property*; consequently

8th, the life of an individual; and then

9th, his limbs, should be most sacred. Then,
10thly,

10thly, may fairly come in the public property ;

And 11th, that of private persons.

We will, taking these rules as our guides for the purpose of elucidating our plan, suppose the arrangement to be what it is designed ; and that the offence, which is placed at the head of each class, is the greatest of that list. We will then take the first of each class, and, having arranged them by the above rules, we shall instantly perceive which is the highest offence, considered in its civil, moral, and political consequences. We shall see that two out of the eleven are most unequivocally meriting the punishment of death, for the very existence of a person, capable of executing, or even meditating such crimes, is dangerous to society ; and that is the only reason that can justify the exercise of such power. For if they lived, though confined in the strongest citadel, they might, and probably would, have confederates in such numbers as to render their escape certain. But, when we examine the other nine, we shall observe that is not the case with them ; add them, therefore, to those marked 2, and there we shall find one more,

more, at least, that merits death, for the same reason as the former two ; and several others which deserve imprisonment during natural existence. To what remains add those marked 3 ; and, proceeding in the same manner, the whole catalogue may be thus culled, until the remainder will be found scarcely to merit a censure. It cannot be supposed they will invariably follow in regular succession ; there are many crimes, so equal in degree, that no reasonable person can imagine a difference between them.

A scale of crimes thus graduated will be nearly perfect ; at least, there will be no such gross inconsistencies as exist at present. In regard to a corresponding scale of punishments, there is no difficulty whatsoever attending it ; for if we begin by the utmost a human being can suffer in this country, which is deprivation of life ; and end by the least, or the loss of property, we shall find a great many degrees between. We will select the following out of those now in use ; for what has been said before on the nature of punishment will greatly assist us here :

1. Death.

2. Whipping.

3. Impri-

3. Imprisonment.
4. The same, accompanied by hard labour.
5. Transportation.
6. Banishment.
7. Confiscation of property.
8. Fine.

Though the punishment of death were applied only to the commission of those offences, where the simple existence of the culprit is dangerous to the state,* the rest may be made to reach in a due proportion to every other crime. For the foregoing list can be so reduced, extended, or combined, as to be rendered almost infinite. Whipping, in civil cases, as in military, may be exercised with various severity; imprisonment and hard labour may be prolonged from one month, or less, to the end of life. This extension may, when the punishment is short of death, or imprisonment for life, with great propriety be left in the discretion of the court, who alone are capable of judging of the degree of each offence, which must be collected from the evidence; for a contempt against a court of justice may be so aggravated as to be little short

* Beccaria, chap. xxviii. para. 3.—Bl. book iv. ch. i. p. 9.
of

of treason; and irregularity in time of quarantine, though undoubtedly a great offence, and liable at present to be punished with death, may, from its peculiar circumstances, scarcely merit a fine. The object of the laws should be—1st, To guard the subject from receiving an infamous punishment for a misdemeanor which is not so.

2d, From a capital punishment for an inferior crime.—And—

3d, From an inferior punishment for a capital offence.

These things guarded against, there is no danger that the sufferer would be liable to a too lengthy imprisonment, whether accompanied or not by hard labour; for even though the judges had decreed such a period as was disproportioned to the offence; as for instance, ten years imprisonment and hard labour when five would have been fully sufficient, still in five years the passions and prejudices would cool and wear off, and then, as at present with banishment, imprisonment, and fines, the punishment might with propriety be curtailed, on a sufficient proof that the prisoner had so submitted and behaved as to render it probable he had profited by his sufferings.

This

This is indeed, of itself, a most essential object ; for when a person has committed a crime, it does not follow that he is past reformation ; a thorough conviction that it had taken place should certainly terminate his punishment, provided what he had suffered had been sufficient to give an example to others. Encouragement to do well should be in continual operation, even under correction itself. There cannot be a greater recommendation to any system, than that every branch should have a tendency to promote the original design. Indeed, every plan is defective in proportion as its parts are actively the reverse, or even quiescent.

Thus our present laws tend to promote crimes,

1st, By disproportioned punishments.

2d, By fixing the same punishment to two different crimes, the greater of which has a tendency to conceal the lesser.

3d, By admitting of impunity ; as in an unconditional pardon, or an exchange from death to transportation, which is often, to a man rendered desperate by distress, an enviable situation.

4th, By

4th, By confinement before trial in idleness and bad company ; the former tending to hardened profligacy, the latter to an escape.

5th, The expense of prosecution.

6th, By allowing legal passages for escape.

7th, By proscribing a man's character by visible dismemberment, public whipping, pillory, or the stocks.

8th, By legalizing, or rather by not prohibiting pawnbrokers, and other receivers.

9th, By want of attention to the morals of the poor.

10th, By permitting profligate characters to fill the religious ministry.

11th, By non-residence, and neglect of incumbents.

12th, By not affording to a poor or distressed man the means of earning a living.

13th, By a false economy in detecting crimes.

14th, By permitting mendicity.

15th, By suffering seditionists to escape punishment.

16th, By allowing temptations to lay in the way of poor people ; as game, and wood in forests.

17th, By suffering the escape of fraudulent extravagant, and speculative bankrupts.

Q

* 18th,

18th, The sale of spirituous liquors, and lottery tickets.

19th, By laying high duties on foreign commodities; and thereby encouraging smuggling,

Out of so many errors in our present practice, the 4th, 5th, 6th, 7th, 10th, 11th, 13th, 14th, 15th, and 17th, are now within the power of certain officers to correct, without one additional act of parliament. The 4th is in the power of the magistrates of counties, the sheriffs, heads of corporations, or police officers—the 5th, 6th, and 7th, are in the courts of law—the 10th and 11th, in the bishops—the 14th, in the parish officers and magistrates—the 13th, in government—the 15th, in the Attorney General—and the 17th, in every assignee to a bankrupt's effects. There is no danger but a reform of these errors will take place in time; the first step towards amendment is to be sensible where the evil lies. But the subject must be agitated continually; for there is an indolence in the nature of some men, which looks with the utmost tranquillity on the wretchedness of others, in particular when it is evidently occasioned by their own errors; it is a sort of excuse

cuse for their want of feeling. There are few of us who are attentive enough to see, or sufficiently candid to confess it when we do, that our honesty is the offspring of our interest; for many a man is above the commission of a crime, not from a detestation of the deed, but because he can see that he shall ultimately gain nothing by it. This forbearance, however, though a negative virtue, is worthy of encouragement, and that legislation is the most perfect which, even in this respect, meets the most success; for unsullied virtue is seldom to be found, therefore the very shadow merits some attention.

Thus we see, that the mercy of our criminal laws is only affectation, and more calculated to encourage crimes than suppress them.

Affording Employment to the Industrious.

WE have thus far treated of two methods of preventing crimes, encouragement to do well, and the dread of doing ill—we now come to the third, which is, by affording employment to the industrious* and to every other person who has

* Beccaria, ch. lx, para. 1.

not the means of getting an honest living independent of labour ; but, from what has been said, there can be few arguments necessary to prove the propriety of what, as far as it goes, must tend, not only to our personal security, but national wealth.*

When the laws say “ thou shalt not steal,” they should add, *thou shalt not starve*,† for it is in vain to promulgate laws which are contrary to nature. We all know, that if a man cannot get food, he must starve. If, then, he has none of his own, there are but three ways of procuring it—to earn it by labour—force it by stealth or robbery—or ask it as alms. Suppose employment and alms to fail, the wretch must then necessarily starve or steal ; in the former instance we hear no more of him, in the latter he is either transported or hanged ; the effect is the same to the country, the charge excepted, which in the latter instance is much in favour of our pecuniary and as little to our moral credit. Should he be able to live by begging, the tax on the public is the same, except the inequality of it, as if he had an annuity to that amount. But if

* Beccaria, ch. lxiv.

† Ibid. ch. xxxi. para. 11.

a person begs, he must either be supposed to be in distress, and should be relieved, or he is lazy, and should be made to work. Or, in other words, he cannot work, and should be supported ; or he can work, but cannot find employment ; for if not fed he must starve, or he must steal and be hanged. Thus, whether he steals, begs, is transported, or fed in idleness, there must be an expense attending it : it is therefore much the better way, independent of morality and benevolence, to get some return for what is expended ; and there is no other means than by an offer of employment on such terms as will be an inducement for him to seek a living elsewhere. In short, view it as we will, it is like the endless song of “ War “ begets poverty,” which begins where it ends, and we may ring the changes as often as we please, the tune will be nearly the same : that beggars are, and ever have been, a pest to this country, and, except Holland, to every other country in Europe ; and it is time we put an end to the evil, by the only means in our power, *affording an unsolicited asylum for distress*. If, under a rigid discipline, the asylum was empty, the very end required would be obtained,

After a war, when a number of regiments are disbanded, and ship's crews discharged, it is the duty of the country to support them, till they can find employment: here an asylum would be of infinite service; for it is shameful that we should force a poor fellow on board a tender from a regular course of industry; keep him from his connections and friends during a long war, and then discharge him to starve or to steal, at a time when the merchant service is so overcharged with hands that he cannot find a ship. Such conduct is little consistent, either with our love of liberty, or our religious duty; and undoubtedly when a man suffers capitally, in consequence of such a train of injustice, those laws which condemn him are guilty of murder. If he was employed for a few months, until the merchant service got into its accustomed course, there would be no fear of his staying longer than he was obliged; for seamen soon grow weary of sculking, as they term it, on shore.

The lawyers of this country have laboured very hard to prove, that pressing seamen is a legal measure; for though it is not positively established by act of Parliament, yet there are several which indirectly countenance it; and the

the want of a substitute renders it absolutely necessary. It is a needless trouble to found a dispute on words alone. Whether it is positive law, or legal by implication only, amounts to the same thing: the practice has been so thoroughly established, that it is almost become a part of the common law. The measure is proper, if it is either *absolutely out of our power to avoid it without risking the loss of the empire,* or if *by reciprocity it is rendered just and reasonable.*

This country is so peculiarly situated, that we never neglect our navy without risking our national prosperity; and so sensible are Englishmen of its importance, that a wise and prudent ministry will always build their popularity on its success. Whenever, since it has possessed a navy, this country has imprudently supported her pretensions by any continental war whatever, the result has always uniformly been, either ruinously expensive, unfortunate in the issue, or both. Whether by securing her from total ruin, or by making her triumphant, the navy has been her least expensive and best support in all misfortunes. Prejudice then, for once, is founded in truth; for the whole British empire, on this subject, has but one voice, which

cannot be too often or too loudly re-echoed, THAT OUR ARMY, WHEN FROM HOME, SHOULD NEVER LOSE SIGHT OF A PENNANT. Fortunately, the great superiority of our navy is occasioned by a more extensive commerce than is enjoyed by any other country ; and mutual support has so united their interests, that what belongs to one cannot be separated from the other. If, therefore, a war should break out, it is absolutely necessary the navy should be manned from the merchants service ; because there are no sailors to be got, except from that quarter : for the maintenance of a naval establishment in peace, equal to our defence in war, would be impossible, as well on account of the expence to us, as the jealousy of other nations.

There are several reasons which render it difficult to get volunteer seamen for the navy,

Small wages,
Dread of ill usage,
Confinement to one ship, and that long together.

If a man has a wife and family, a large bounty is no object to him, unless he is a worthless

less fellow, and then he is sure to take the bait; but the most orderly and best seamen, like men in other stations in life, have attachments with whom they wish to divide the fruits of their industry. The merchants service, therefore, on account of superior wages, will always attract the generality of good seamen. Were it possible for the navy to give higher wages than the merchants, and all other circumstances were equal, there would exist no difficulty: but that cannot be; for though the navy should double their wages, the merchants would still keep above them; for until the expenses exceed the profits, trade will be carried on, and then only will it cease. Such a measure therefore, if it were practicable, would not only be the ruin of trade, but the consequent annihilation of that revenue by which alone the navy is upheld; on the support of which depends the very being of a seaman.

It is a very great mistake to suppose it necessary to use sailors harshly. It is certainly proper to treat them with frankness, and without deceit; with steadiness and resolution; to let them feel command, but to make them, at the same time, most thoroughly sensible that their interests are not neglected. It requires a less
share

share of good sense to order a man a round dozen, than to give reasonable directions, and enforce them by steadiness. Flogging for every trifle has, in times past, been too common a practice, and the general opinion of it is so rooted, that it will be some time after the practice is changed before sailors will be willing to try the experiment.

In peace, sailors are so habituated to make short voyages, to go on shore, and change vessels at the end of each, that they dread the thoughts of a rigid confinement on board the same ship for years. It cannot be wrong, therefore, to accommodate their prejudices where they are not materially inconvenient or detrimental to the service; and sailors are so eccentric and valuable a set of people; and, when they are treated with confidence, so inclined, in general, to make a proper return, that it appears worthy of trial, by some means or other, to give them the liberty of a range. They should, at least, never be pressed from an East India voyage; that practice is both cruel and unnecessary.

We must, on the whole, confess it to be a great hardship, that sailors alone, of all the
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British subjects, should be liable to have their liberties invaded, and treated, besides, in such a manner, as would make a stranger consider them as absolute slaves; and this unattended by any superior advantage in the profession, (for it is a life of continual hardship and danger) but solely in order to secure the liberties and property of the whole empire. This infringement of their particular liberties ought to entitle them to some exclusive privileges; instead of which, when they are no longer wanted, they are turned loose to spend the little money they have, and then to beg, steal, or starve.

In the year 1791, at the end of the armament against Spain, vessels were provided to carry them back to their several ports; and as a war did not actually happen, there resulted no ill consequences from it; because at that time very little change had taken place in the trade of the kingdom: but it cannot be the case immediately after a war; for a seaman must wait many months until he can find a birth.

On the whole it appears fair, that as they are obligated to give up so much for the advantage of the nation, sailors should meet with a particular attention, and expense should be no object
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when their comfort and accommodation are in view. It is to secure the liberty and the wealth of the nation, that their natural rights are violated; the necessity of the measure so far renders it *a proper one*. To secure them from starving or from the gallows, the nation should, as a small return, bestow some of her wealth: when that is done, and not till then, the measure is in some degree tolerable: it can only be termed *just and reasonable* when they enjoy exclusive privileges adequate to their exclusive sufferings.

ON THE PRESENT MANAGEMENT

OF THE

PAROCHIAL POOR.

WE have thus far attempted to show from what causes arise the poverty and wretchedness of individuals, and have endeavoured to prove, that crimes, to a great excess, being the consequence, it is become absolutely necessary some regulations should be adopted, in order to render those of benefit to themselves and society who at present are the greatest injury. From what has been said on education, it is evident, that literary, religious, and moral attentions to the poor are absolutely necessary; that great benefits might be derived from an extension of the plans of those various humane societies, which at present exist; that, in regulating the necessaries of life, we should essentially assist our manufactures, and thereby prevent that sudden dismissal, which distresses poor people to a very great degree; that, by some more dis-

creet attention to the taxes, that is, by omitting some and adopting others, the morals of the poor would be more secure from temptations than they are; that, by softening the rigidity of our criminal laws, and altering the mode of punishment, there would be fewer necessities for pardon; and, by narrowing the avenues of legal escapes, fewer crimes would be committed in hopes of impunity. We will now endeavour to point out the evils which arise from the present management of the parochial poor.

It is a very great error to suppose, that a civilized society can possibly exist without a large proportion of poor, unless upon the plan of the small Moravian communities, who possess all their goods in fellowship, live without the means of defence, and contrive, in their education, which is very severe, to subdue all those passions, which, if well regulated, constitute the great happiness of life; or in that society of the inhabitants of Paragua, where the common necessities for their existence were given to the people under the direction of the Jesuits; and the superfluity appropriated by those crafty religious, to the aggrandizement of their order. We know, that a large proportion of the people of Rome were, in the time

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of the republic, long supported by donations from the rich ; who, at the elections for magistrates, made use of that means to subdue their liberties, and thereby erected the most intolerable tyranny that ever existed, till of late years, on this globe. Happy for us, we have just so much of the elective in our government as is necessary to keep under the strides of regal power, but dreadful will the consequences be, should it essentially increase. The largesses given to the Roman people did not secure those who received them from poverty ; on the contrary, they only tended to increase their numbers, for there is an improvidence in the great mass of mankind, which dreads exertion, and will ever procrastinate the industry they so much dislike.

Every free gift to poor people is a bounty to encourage idleness, the aliment on which it feeds. To give them food in hard winters, or when provisions have taken a sudden rise, frequently occasions a loss of time in going for it of greater value than the gratuity itself, and often produces murmurs and discontent arising from fancied partiality. I have known the bounty of an opulent family to the poor of a village create animosities, both durable and severe.

severe. To furnish provisions and fuel at the accustomed price when those articles are dear, and even at a lower price, when work is scarce, may be real charity, and much more economical than to raise the price of labour; for the former will cease on the return of plenty, but wages can never be lowered. To raise wages is to add to the price of every article of food and cloathing in a double proportion, by the same rule as a tax of half a farthing will cause a rise of a whole one. (Page 153.)

To lend money, or the worth of it, to the poor, is an injurious method of relief, unless you take the most ample security for repayment. The security taken should not be such persons as would suffer materially in their circumstances by the loss, for in either case to sue for the amount would create murmurings, and, in many instances, be attended with danger. I have not a doubt but the most infallible method of creating a rebellion would be to lend among the poor, throughout a whole county, the sum of ten thousand pounds in small portions, and immediately sue on default of payment. The famous Dr. Swift, dean of St. Patrick's, notwithstanding his great knowledge of human nature, was once the dupe of his

his humanity in this very experiment. He lent, I think it was, 300*l.* in small sums, to a number of poor people, and never could recover it again; his resentment getting the better of his prudence, he threatened compulsion, but was soon convinced it would be dangerous to attempt it. A lady, well known among the quakers, herself of that persuasion, and now no longer here to bless society by her ample fortune, her extensive charity, and goodness of heart; and to please them by the most elegant and easy manners, enlivened by uncommon beauty, caused a number of linen suits to be made, in order to accommodate lying-in women at their own houses, which she lent with that philanthropy which was consistent with her own unsuspecting innocence. In consequence she lost them all, for they were either pawned, torn up for other purposes, lost, or stolen. She did not, however, in peevish resentment curtail her bounty, her good sense soon discovered an easy remedy:—every one who borrowed a suit in future, procured securities for the safe return.*

* To those who are disposed to exercise this species of charity, and particularly to parishes, I would recommend not only this precaution, but that they should have the articles made of coloured striped linen of one thread in one hundred, both in shoot and warp, or use some particular all-over stamp, or other mark, to prevent this knavery.

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These two instances, among many others which might be adduced, are proofs that gratitude is not a prominent feature in the poor. Indeed, however repugnant to our love of sentiment it may be to acknowledge so much depravity, it must be confessed, that mankind, either as public or private characters, are not remarkable for this virtue; the apologies may sometimes be, that the return expected is often immoderate, sometimes it is prematurely demanded, and with importunity perhaps, and often expected when out of our power. Thus it may happen to poor people, the loan is made to those who are vicious, extravagant, or idle; or who, being without controul or advice, form projects which are improvident in the principle or in the extent. To re-demand payment when the money is spent is useless, and only adds to the distress which this thoughtless loan originated. To lend money with propriety, without sufficient security, we ought to be intimate with the method in which the sum is to be applied, and also with the moral principles and the habits of the borrower. Without such precautions a breach of promise will generally be the consequence.

There are many parishes which give money to the poor when they have more than a certain number of children; this is not a politic method of relief. It would be much better for the parish to establish a shop, in which should be sold, all the *real* necessaries of life; and give the pauper the power to purchase, daily or weekly, certain articles to a fixed amount, according to his family, at such rates as should enable him to support them comfortably. When money is given, it goes to buy liquors, to purchase other improper articles, and it often tends to make the parents idle and improvident. It ought to take place only where there are unusual numbers of children, and then from such a fund, as must make it a continual remembrance of the obligations, as that for instance mentioned in page 157.

Where ostentation is the motive for charity, these nice distinctions appear trifling; but they often influence the actions of mankind more than circumstances of a grosser nature. As the public act from other views than individuals, the utmost stretch of human prudence should be exerted in all transactions which have a general operation; especially in what may affect that part of the public, whose ha-

bits and manners have been formed from time immemorial.

When individuals are induced to give, they sometimes are acted upon by importunity, and often bestow injuriously rather than take the pains to make a proper inquiry into the merits of the object. But the public charity ought not to be so expended. A benevolent mind will, by mere industry, do more real charity without giving a single penny, or even the amount of it in goods, than an indolent person by profusely giving thousands to all who ask. It is not, nor can it be too often repeated, the quantum of what we give, but the article we give it in, that constitutes charity. To give a delicacy to a poor family is worse than to throw it away; a useful article of food would be more valuable, though the former costs ten times its price. Give the poor money, we give them delicacies, and sometimes worse; for their tastes, both in pleasure and appetite, are often of that nature, which prefers what is most pernicious to their healths and morals. But when we define the articles of our charity, and fix them to what is useful, and to what ought to be the sole end of the donors, we put it out of their power to abuse it. If we give provisions

provisions or cloathing to the poor, we put it in their power to dispose of them for money, and certainly at an under price, for who will take the trouble to buy of them what is to be sold again to others, unless it is attended by some advantage which cannot be procured at the next shop? But if we sell to them at an inferior price, and limit the amount according to the numbers and the necessities of the family, we do them all the real benefit intended to be done by giving money, and we at the same time obviate all abuse of the charity; for when they have thus purchased this food or cloathing, what can they do with it, but eat the one, or keep themselves warm with the other.

Government and the laws should do justice, but never more, in every transaction that regards the public at large, and they never should relax discipline, or throw out a temptation which can induce individuals to abridge that exertion to become independent, which, collected in a mass, forms the only riches in a state; the truest principle of charity is to strengthen exertion, and not unnerve it by a bounty on idleness and debauchery.

We should also give in such a way as shall leave us room to retract from error ; but if otherwise, we not only lose in the first instance, but commit a durable injury, which gives a handle for resentment where we intended to afford a benefit, or else we subject ourselves to excessive expenses, attended only by regret, in submitting to draw lots amidst a choice of difficulties.

Our poor rates originated from the despotism of Henry the Eighth, who having seized on and profusely given away the revenues of the monasteries and abbies to his favourites, Elizabeth and her predecessor found the poor destitute, who had formerly been supported in idleness by the clergy, who, in return, were upheld in their pride and arrogance by the superstition of their dependants ; at length the poor became riotous for want of their accustomed support, and the legislature therefore obliged each parish to maintain its own poor, and so it has continued ever since.—Thus it has become obligatory by law for the public to provide for those who cannot do it themselves, and
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though they possess no other right than what the law gives them, the poor may ask it on the plea of humanity, and we must grant it from policy.

Expensive vices and a taste for pleasure in a part of the community, contrasted by parsimony and industry in the others, will of themselves create poverty and riches. Were these riches equally distributed, and each man possessed 20,000*l.* the whole community would be all poor and equally wretched. Every man must be his own scavenger, and each one, as among the Moravians, must do his own domestic work. What advantage then would he derive from his property?

Our object, therefore is not to attempt impossibilities by endeavouring to make all rich; but to do all we can to decrease the number of poor, and to forward that man's efforts to rise who has the misfortune to be in a humble sphere, and to oblige those to exert themselves who have not the inclination. This they ought to consider as charity, founded on the purest principles, and be thankful for it, but it is far otherwise; enormous as the poor's rates are, there is nothing but discontent in those who

receive, and in those who by law are obliged to give. No wonder it is so, for real charity does not consist in the amount of the sum given so much as in the selection of objects.

There are great mistakes on the part of the poor, as there is undoubtedly something to complain of in the conduct of the officers; like every thing of the kind, there is much to be said on both sides; but though we may excuse what is wrong, it does not follow we should leave the evils uncorrected. The claim which the poor make on the public for support, is founded on their having sometimes paid the parochial taxes, or what is termed scott and lott, during forty days, or else by being born in the parish of parents who have so gained a settlement, or having been in service a year.*

The former who have been house-keepers, and from some misfortune are reduced in pecuniary circumstances, if they cannot maintain themselves, have a fair claim on the community for support, because they formerly paid a portion of those rates which they now, being in distress, request to have returned. There is a

* Blackstone, b. i, ch. ix, pa. 362.

very essential difference between these two classes of poor in the claims they make on the public:—the one, who never contributed to the necessities of others, has no moral cause of complaint if he were to meet a refusal; the other, in equity, has a fair demand: or in other words, if one receives support, he has it from charity, the other from justice. Let any one for a moment consider how horridly disgusting it must be for a person reduced to distress from a creditable situation, if not from affluence, to go into a parish poor house; in losing property we do not part with sensibility. Many, rather than submit to it, have committed suicide, or have starved to death.

The evils attendant on the present system are—

The inequitable distribution of the parish charity.

The uncomfortable support of the invalid poor,

The improper management of those who are able to work.

Generally speaking, equity is no ways connected with the present management of the poor. The object is to get rid in the easiest manner

manner of the most unfortunate of human beings, those who depend on the compulsory charity of a parish. The management is as various as the parishes themselves. Their economy and discipline are the effect of the momentary impulse, sometimes right and often wrong, of the parish officers. Each has his particular favourites, and in course prejudiced ideas of others necessities; not infrequently very partial ones of his own time and attention. The levee of an overseer of the poor is as duely attended as that of the minister of state, and with the same insinuating arts to obtain, sometimes an indulgence, often a sinecure. By this means there is no regularity, no fixed system, no real discipline. The regulations change at the caprice of the annual new officer, who sometimes overturns what his predecessor has done, and substitutes a theory of his own, equally erroneous as the former.—The poor are in consequence liable to be sent about from one tyrant to another, scolded at wherever they go, and at last, perhaps wearied out with fruitless attendance, retire to their misery, and die of want; or else they get into the work-house, which in general is a scene of idleness, and often drunkenness. If the parish is small, nothing is more common than to set up each
poor

poor person, at a retrograde auction ; that is, the pauper is put up by name to be bidden for ; and the person who will undertake to support him, at the least expense, conveys him home, to make the most of his bargain.—Such are the evils attending parish management to the poor themselves.—The accumulation of the taxes for their support, and the increase of crimes, are the injuries which derive to the public.

If a poor person is able to do some work, and applies for parish relief, even though he never contributed a farthing to the rates, it is proper he should receive it ; and, in return, he ought to give as much labour as possible, to compensate, in some measure, for that support. If he will not work, he should be reclothed in his old rags, and expelled the house. But instead of necessary discipline, the time of the poor is lavishly spent, as of little or no value ; they are sent on trifling messages, without the walls, and thereby have an opportunity of procuring liquor themselves, and introducing it to those within. This is the case when none are interested except the parish at large. It sometimes happens that they are employed for the profit of the overseer of the
work

workhouse, who makes the best bargain he can with the parish officers. In consequence the poor are worked to the utmost, and often harder than they ought to be; this necessarily breeds discontent, sometimes, therefore, it is well founded, but not unfrequently otherwise; for as none would wish to work, if they could avoid it, invention is always on the watch to create grounds of complaint.

It is not proper to commit the relief of the poor, or the rejection of their petitions, to the discretion of any one; because a deserving object may suffer from remembrance of former resentments, and the undeserving may receive more than they are entitled to. In short, it is best,

That every description of poor should have the liberty to demand support, whenever they think proper.

That the community should in return have the power to demand their labour, and apply it as they please.

That their capability should be ascertained, by medical and surgical opinion.

That, except in a case to be hereafter mentioned, there should be no out-pensioners.

That

That their cloathing should be a uniform; comfortable, but coarse and strong.

That their food should be nutritious, but plain, and regulated by a table.

That their friends should be allowed to see them at proper times; but that, whilst objects of the charity, they should never go out of the walls, on any pretence whatever, without leave from the principal director, and that as an indulgence for good behaviour.

That a person who had ever introduced liquor should not again be admitted as a visitant, or, if a pauper, should never again be indulged with leave of absence.

This would certainly be rigid discipline, and it is all that is necessary to command success; for it is to be observed, that the object should be to invite the services of the poor, that they may be induced to believe there is a profit to be derived from them; which, if properly managed, would certainly be the case; treat them humanely, from real principle, and also to avoid scandal, and yet make it their interest to keep away, and provide otherwise for themselves. When people in low life find their labour at home harder than they are likely to experience in the workhouse, they

they now slacken their exertions, in order to get there: but when they found they would *there* be obliged to use as much industry as would support them at home, without a chance of ever being able to indulge in drunkenness, or the liberty of ranging abroad, there is little fear but real necessity would bring them to exertion.

Interest influences our conduct, from the highest to the lowest; and though drunkenness will have no charms to a sober person, it undoubtedly is so great an object to those who are habituated to it, as to induce them to run the risks of even life or punishment, and to volunteer the hardest labour to indulge in it. Any person well acquainted with the customs and manners of soldiers and sailors, must have witnessed instances of a surprising nature of this rage for liquor. The poor will often think it preferable to work for an individual, even without other reward than cloaths and victuals, where there is a chance of sometimes procuring liquor, than to work for the public without that chance. These considerations will operate interestedly on the greater part of the parish poor, and make them exert every talent to keep out of the workhouse: and yet
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the most sympathetic philanthropist, if he were candid, could never complain of the above regulations, for they furnish all that is necessary in life; lodging, food and raiment, and all of the best; and lay a restraint with no view but to promote morality. System, method, and discipline, are absolutely necessary to the well doing of every thing; but, without them, the expenses of every business are needlessly increased, and there is no satisfaction to any one concerned. This regularity can never be obtained so long as the management of the poor is intrusted to parish officers, more especially if they are elected, and that annually; because they generally are people of circumscribed ideas, persons of little or no education, and often by indirectly, at least, furnishing the articles of consumption, become interested in increasing the expenses. They are chosen annually, and scarcely become acquainted with the duties of their office before they are out of place, to make room for others, who take it either by compulsion or from interest. Can it be supposed that people in trade, who are not interested, will, but from compulsion, accept an office to which there is attached some responsibility, and in which they must sacrifice a great deal of time; an employment

ment of the most unthankful and disgusting nature; that they will meet at a tavern (for it is there that parish affairs in general are transacted) without charging to the public, at least, the expenses of the day? No, it is contrary to the general practice of the world, and, therefore, should not be expected. Make it the interest of those employed to be alert and honest, and we are sure of them.

A P L A N

*Proposed for uniting the POOR and CRIMINALS
in one System of Employment.*

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**I**N order to effect this purpose we will divide the objects of our attention into the following classes :—

1st, Such as *have* contributed to the poor's rates, and have become unexpectedly distressed.

2d, Such as have no other claim but present distress, having never contributed, or in a very trifling degree, to the poor's rates, and who are able to work.

3d, That part of the 2nd class unable to work:

4th, Itinerant poor who have no settlements, or which being at a distance require immediate support; including soldiers and sailors discharged after a war.

5th, Beggars to whom some compulsion is necessary.

6th, Criminals, who require not only compulsion, but lonesome security.

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7th,



7th, The sick of all denominations ; to be lodged in separate wards.

By this division the most capable of the 2nd and 4th classes may be employed in taking care of the 3d and 7th, and in doing many material services about the 5th and 6th, which will greatly economise the plan.

The necessary buildings will be—

A workhouse for the 2nd and 4th classes not otherwise employed.

A prison and penitentiary house for the 5th and 6th ditto.

An hospital for the 7th.

A retreat for the 3d.

As it can never be expected that criminals will exert themselves but by compulsion, they must not be put to any labour, except that which is unattended by skill ; they should, therefore, be employed as the elements, whose influence is progressive, and it entirely depends on the skill of the mechanic to apply them to advantage.

The impulsive exertion which a man in health can practise, during the usual period of a day's

a day's labour, according to the best writers on mechanics, and proved from daily experience, is about fourteen pounds weight.\* We may therefore take this data to calculate the force of any machine it may be thought proper to erect. Five men are equal to the powers of one horse; and a steam engine equal to the power of 50 horses, is, I believe, the largest that ever was erected; it would, therefore, take 250 men to produce a power equal to such a machine, or a continued operation of 3500 pounds weight. In a cotton mill, for instance, such an engine would employ 1200 people, including all the branches of the manufacture, previous to the sale in the piece. The support of 250 prisoners at sixpence each a day is 6*l.* 5*s.* which is far less than the diurnal cost of such a steam engine, when every expense is included. I think such an engine as this would be unwieldy; besides it is a maxim in mechanics, that the larger a machine the less is its proportioned strength. It would, therefore, answer the purpose better to erect as many for 50 men each, as might be required.

\* Emerson, in the 3d edition of *The Principles of Mechanics*, page 177, makes the averaged powers of men to be 27lbs. but he is certainly mistaken.



When a mechanic designs to erect a set of machinery, his first inquiry is, what is that origin of motion which is intended to be employed? for it is not very material to him, provided only there is enough of it, as he can generally give vent to the excess. The following will present themselves:—wind—water in motion by gravity—air and water united, and alternately expanded and condensed by fire—men, horses, and other animals. In short, any thing that will forcibly impel bodies in any direction; for as every idea of which the mind is capable, is to be expressed by the twenty-four letters, so every mechanical invention already practised, and to be yet discovered, must be compounded of what are denominated the mechanical powers, aided by the natural principles. Having, therefore, once procured the original impulse, no matter what, provided the expense is compatible with the object we have in view, there is no possible manufacture which the ingenuity of the present improved state of mechanics may not effect by means of it. If then the principle of action, which in this instance is any number of felons we can command, is within the bounds of a reasonable expense, there can be no hesitation on the propriety of the plan, for endless different manufactures

factures are increasing daily by the means of wind, water, cattle, and steam; and if the labour of persons made use of in these united institutions to conduct the skilful branch, can be procured at a lower rate than in private manufactures, the advantage is still further in favor of the plan proposed.

A ten horse steam-engine will consume a bushel and a quarter of coals an hour, or 15 bushels in a day of 12 hours, at 45s. per chaldron - - - 0 18 9

A man's wages to attend the engine 0 4 0

Interest of the cost of the machine, which, suppose it to last 15 years, and to be worth 2000*l.* is equal to 10 per cent. at least, besides insurance from fire, or about - - - - - 0 11 0

Repairs about 36*l.* a year, or daily 0 2 0

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1 15 9

Fifty men fed with wholesome coarse food, and cloathed warm only, at 6*d.* each - - - - - 1 5 0

The engine here proposed to be built would last many years without any repairs worth mentioning, the rest of the machinery would be



the same for both. But the labour of criminals, as they begin from their present idleness, should not be calculated as that of freemen, or beasts, which are expensive either in wages or food, but as water or wind, which nature affords gratis. In this point of view the advantage is still superior.

In Manchester it is a frequent practice to erect a steam engine in the middle of a large building of several stories, which the proprietor divides into separate apartments, in a double range; two horizontal barreled shafts run between the two ranges of rooms, and communicate with the engine, which drives them in one uniform velocity. This engine is the origin of motion, and the apartments being let out by the square, the tenants may apply any cotton machinery they please to the barreled shafts. In the same way may criminals be employed instead of steam, and yet have no communication with each other, or even see or be seen by any one but those who are admitted for that purpose. This would be simple, and would require no arrangement that could possibly create expense, or stand in need of contrivance; and then the 2nd and 4th classes above enumerated, might be a separate establishment.

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If a union of the several classes is approved of, as, on the whole, though more expensive at first, it would be more economical in the end, the 2nd and 4th classes, as we have just observed, might be useful in the domestic work of the prison, and in attention to the 3d and 7th classes. Some of the youngest of both sexes might be employed in these apartments at different manufactures, or else in other rooms, in making those various articles of coarse cloathing, and in manufacturing provisions necessary for the establishment. It has hitherto, in all proposals for public employment, been a great difficulty to find means of such a nature as to obviate the necessity of exerting skill ; but in this instance, the moment a person is committed to solitary hard labour, he is perfect master of his employment ; and no forwardness of temper will avail him any thing. It might be so contrived, without any difficulty or material expense, that no man could seem to labour without actually doing it, and that to any degree which might be thought necessary, to extend or relax the punishment of each individual.

Under circumstances like these, it would be unnecessary to give a list of such articles as



might be advantageously produced in such an establishment; for it is obvious, if the above comparative expenses for a steam engine, and one to be worked by criminals, is accurate, this institution, if well attended, would under-work every other in every article whatever. Those, however, which are manufactured and sold by the institution itself, should be better in quality, or at least as good, and certainly cheaper, to induce purchasers to pay ready money; for an establishment of this kind should keep no books, except for the purposes of economy, and to ascertain the profits or losses.

It remains to say something on the means of supporting this united institution. The better way would be to begin by some single county, as an experiment, to which a sufficiency of criminals should be sent for the purpose. The most eligible situation would be the Isle of Wight, on account of its being insular, and because the workhouse there is not only already extensive, but is the best regulated in the kingdom, and of course, most exempt from prejudices; for prejudices there will be to the most beneficial proposals. It is, besides, situated on a common, which would furnish great advantages

tages by gradual cultivation, near a considerable and central town.

If a nearer situation to the metropol's were preferred, the several acts of the 16th G. III. ch. 43.—19 G. III. ch. 74.—and 34 G. III. ch. 84. which have never been fully carried into execution, might be made the foundation of this plan. If erected in Surry, the poor's rates of the whole of that county should be applied to the purpose, or if it was found more convenient the same business might be carried on in districts. The first application of this money should be to carry into effect the plan, so far as it regards all the classes, including the 1st with the 2d, (for the buildings are provided for by the 19 G. III. ch. 74.); but an improvement in favour of the 1st class, to the hardships of whose case we have before particularly spoken, p. 264, would be, when the institution could afford it, to give them as large an out pension, as would amount to five per cent, or even more, on all the money they had ever paid towards the poor's rates, not exceeding 20/. or 30/. a year, provided they could swear themselves not worth more than a certain stated property. Under such circumstances people would pay the poor's  
rates



rates with more cheerfulness than they do at present.

A most productive means of increasing the funds of the institutions, if they became general, would be to extend the terms of all the patents for useful inventions, from fourteen years, being the present term, to eighteen years; and give the last four years to these institutions, and to the original patentees jointly; for certain it is, the present patents are, in general, too confined in time to admit of that profit which is due to the risk of so large a capital as is frequently employed.

Another means would be for parliament to purchase, every year, a proportion of the rights of all the uninclosed lands in the kingdom, at the present real value, ascertainable by a jury, the *onus probandi* to rest with the proprietors: and government, or a commission, to lease out the lands on such terms as would induce tenants to inclose them. When commons and waste lands are inclosed by act of parliament, there are many rights which are settled on that occasion, though at times with difficulty, to the satisfaction of all parties. The evidence of the real value of claims is,  
under

under certain precautions, as easy to be brought forward for the information of twelve indifferent men, acting in the capacity of a jury, as it is to a purchaser who compounds a proprietary right with a neighbour. In regard to the purchase by parliament, nothing can be fairer than such a transaction, independent of the advantage to the public, by bringing into action such an accession of, at present, uncultivated property. These lands now produce little or nothing; for it has with truth been said, that it takes at an average ten acres of common to half starve a cow, and two or three for a single sheep. Such a waste of the means which nature has furnished to increase our national strength is very impolitic, at a period when our most inveterate enemy is attempting the acquirement of such vast territorial power. The only means which we have within ourselves to rise equal to him in the political scale is, to increase our population by every possible encouragement. This method, among many others, will not be the least efficient if properly conducted; for territory adds no strength to a nation, unless it is also full of inhabitants; on the contrary, it is weak in the proportion in which it is void of them. To benefit the community at large,  
individuals



individuals must on a fair compensation part with their civil rights; this maxim is so well established that we put it in practice daily, in widening streets, digging canals, and turning and making roads. We have before seen (p. 246) that we can extend it to an infringement of natural rights, when it suits our purpose, and that without compensation; there, however, we are as much to blame, as in this instance we should be justified. Experience has proved, that it is an endless hope to wait the inclosure of waste lands, by the speculations of individuals as now conducted; the fees and the other expenses of unnecessary and vexatious contests are so enormous. Parliament should not only grant liberal leases, but aids of money, on giving sufficient security, for the purpose of encouraging inclosures; it should grant these leases indiscriminately to foreigners and to subjects, debarring the former of votes at elections; exempt the new settlers from rents, parochial rates, and parliamentary taxes during some years, and even then let them feel the full weight by progressive steps only.—Appropriate a proportion of every inclosure for a glebe, in lieu of tithes, for ever; and as such a business should be conducted by commissioners, let them have a limited

limited power, aided by the advice of the board of agriculture, of granting premiums to each set of inclosures, calculated to encourage exertion in that particular sort of plantation or grain, which is most likely to succeed on that particular soil; to which may be added, as a most important consideration, the obliging proprietors of cottages to annex half an acre of land to each.

The act of the 31st Eliz. ch. 7, was not a wise statute; for it evidently was intended to discourage the building of cottages, as the preamble imports, and as the quantity of four acres to be annexed proves. The *total* repeal of that act, by the 15th of his present Majesty, ch. 32, was equally impolitic, for there certainly is no better way to encourage the poor than by inducing them to collect all their waste time in cultivating a small piece of land, and to make use of all their dirt and rubbish to manure it; to do which effectually, it must be contiguous to the cottage. If that piece of ground, however, is too large, it becomes useless to poor people, who never possess the necessary discretion to cultivate a part of it well; they invariably attempt the whole, and spoil it. The object should be to employ  
the



the wife and children at times when they would otherwise be idle. A cottager who works for daily wages has now and then an odd hour or two to spare in the long days, and by weather, partly wet and partly fine, at all seasons ; these, if he had a garden, he might be induced to employ there ; it is, in short, that kind of work which the great Dr. Franklin advises all families to keep by them, because it can be taken up or laid down at any time ; where this is not the case, these scraps of time are spent in lounging about, or else in the alehouse.

When the leases of newly inclosed lands begin to pay a rent, one-fourth of those rents should be laid out in government stock, as a compound increasing fund, to be ultimately applied to the abolition of all tithes and poor's rates, and for the erection of public schools, for the instruction of poor children.\*

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THIS treatise was thus far finished when the bill, now depending in parliament, "*For the better support and maintenance of the poor,*"

\* Vide Dr. Franklin's last will and testament.

was published. It is much to be lamented that the sentiments here contained should, instead of possessing the more pleasing office of coming in to its support, be directly opposite to the tendency of the bill, which, it is not to be wondered at, should be materially defective, since it is a fact not generally known, that every pains likely to command success, were taken, during the last summer, by a very judicious distribution of the intended plan, to invite information from different parishes throughout the kingdom, but in vain; for no satisfactory observations, and very few of any kind, were returned.

It is not possible for a gentleman, who has always moved in so high a sphere as Mr. Pitt, to be so well versed in the manners and practices of the poor as those who have lived in inferior stations. Great as his abilities are, his information in this instance, at least, must be derived from others; his life has not been sufficiently diversified to be equal to such a task. It probably indeed is not in the power of any individual entirely to accomplish so arduous an undertaking. The physician, before he can possess the power to exercise his superior skill, must be indebted to industry and to talents inferior



ferior indeed in excellence, and of different classes too, for the purpose of collecting his materials.

The present bill, however, probably did not originate without a guide, and that a very respectable one; for shortly after it was published there appeared, “ A sketch of the state  
“ of the children of the poor, in the year  
“ 1756, and of the present state and manage-  
“ ment of all the poor in the parish of Saint  
“ James, Westminster, in January, 1797.” The strong similarity of their features must, on a comparison, lead one to suspect the managers of the poor in Saint James’s parish to have been the parents of the present poor bill, which is to operate throughout the whole nation, though that parish contains as many, if not more, opulent families than any other in the kingdom, and of course better able, as they have done, but at an excessive expense, to gratify their generous feelings than those in a directly reversed situation in the country.

To give force to this observation, it is only necessary to examine the return laid before parliament by the different parishes in the year 1787, in which I remarked, but could  
not

not then account for it, that the expenses of Saint James's, Piccadilly, on an

|                                |        |    |    |
|--------------------------------|--------|----|----|
| average of the years 1783, 4,  | £.     | s. | d. |
| and 5 were - -                 | 11,153 | 17 | 1  |
| Saint George's, Hanover Square | 12,464 | 0  | 0  |

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Total expense of these two

|                    |        |    |   |
|--------------------|--------|----|---|
| opulent parishes - | 23,617 | 17 | 1 |
|--------------------|--------|----|---|

And that the excess of the following SEVEN parishes (*the poorest in the metropolis*) was only 172*l.* 4*s.* 1*d.* viz.

|                                  | £.     | s. | d. |
|----------------------------------|--------|----|----|
| 1. Saint Giles's in the Fields - | 2889   | 14 | 11 |
| 2. Saint Matthew, Bethnal Green  | 2688   | 5  | 6  |
| 3. Christ Church, Spital Fields  | 2673   | 18 | 2  |
| 4. Saint Mary, Whitechapel -     | 4114   | 13 | 10 |
| 5. Saint Leonard, Shoreditch     | 4777   | 9  | 5  |
| 6. Saint James, Clerkenwell -    | 4174   | 7  | 5  |
| 7. Saint Paul, Shadwell -        | 2471   | 11 | 11 |
|                                  | <hr/>  |    |    |
|                                  | 23,790 | 1  | 2  |
| Excess -                         | 172    | 4  | 1  |
|                                  | <hr/>  |    |    |
|                                  | 23,617 | 17 | 1  |
|                                  | <hr/>  |    |    |

After stating so remarkable a fact, it would be time thrown away to add any other argu-

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ments



ments to this treatise, to prove that the bill, at least in its present form, will not answer the end proposed. Indeed, without knowing what those arguments were, the attempt in any instance would be vain; and such appears to be the general voice against it, that nothing has as yet transpired in its favour,

On a subject of such vast importance, when the necessity of the case is urgent, and where “one false step is ne’er retrieved,” we should “be with caution bold,” and weigh, with the utmost circumspection, the consequences that must result from damping exertion in an instance which is designed to be so universal in its operation; and where the evil, by pecuniary increase, may also be so extensive,

Were the bill to pass in its present form no doubt can be entertained, if any conclusion is to be drawn with the foregoing reasoning in view, that as the poors rates have already, in the space of nine years (from 1776 to 1785) increased from 1,529,780*l.* to 2,004,238*l.*\* they would still increase at least double, if not

\* Appendix, No. III.

treble that difference in the same number of years, from the commencement of the bill.

Might a private individual presume to recommend to Parliament the conduct which they should adopt on this important occasion, it would be to adjourn the consideration of the bill until the next year; and in the interim, that they should pass an act, appointing a board similar to that which some years ago was constituted to report on public accounts, of which the present Lord Dorchester, then Sir Guy Carlton, was president, with leave to call for papers and evidence, and who should have the following objects in view :

1st. To ascertain the present state of the education of the poor, and to suggest some means to improve it, and thereby to increase their *ability* of rising in society.

2nd. To report on the present state of the parochial clergy, their means of support, and how far a general commutation of tithes and additional provision for curates may with propriety be enforced by the legislature.



3d. To inquire into the present state of the criminal laws, and how far they may be improved by being moderated in punishment; more certainly enforced; and whether that disgraceful catalogue of depravity, so ably inquired into and stated in a late publication of a very respectable magistrate of police, may thereby be reduced with safety.

4th. To inquire whether the present harsh method of pressing sailors may be moderated, and, as it cannot be abolished consistent with national safety, to suggest some peculiar encouragement to a body of fellow subjects, who, from the services they render the rest of the community, and also in return for the deprivation of their natural rights, merit more than they enjoy, and all we can with prudence give.

5th. To inquire into the expenses, present state, support, and employments of the parochial poor, and what means may be adopted to improve their general economy. In particular to separate the observations, as they regard parochial, county, and national plans of improvement, in order that if any shall prove too expensive,

penfive, another efficient system applicable to smaller districts may be adopted.

6th. To examine into the supposed advantages of a general inclosure bill, how far the nation would be benefitted by purchasing the whole uninclosed property; and whether it would not be expedient to admit foreigners to become settlers under certain encouragements and restrictions.

The good effects which proceeded from the unremitted labours and able reports of the former board, should encourage the legislature to resort to that means of information in all intricate points of importance, and especially when they must be thoroughly impressed with the inconvenience attendant on the desultory reasonings and suggestions of parliamentary debates. Unfortunately the whole patchwork of our poor and criminal laws is become so complex, that no one, not even a lawyer, is to be found daring enough to undertake their reform; nor will it be possible to succeed unless we have recourse to original principles. To harmonize and combine incongruities is to dovetail splinters.



Let us rather plan our premises on a regular and a useful model, and gradually substitute our shattered hovels by a convenient and stately edifice.\*

\* Vide the Introduction.

APPEN-

## APPENDIX No. I.

*Extract from Dr, Ferriar's Report to the  
Committee for the Regulation to the Police  
of Manchester.*

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IN some parts of the town, cellars are so damp as to be unfit for habitations; such places should be reported to the commissioners, by whom proper representations may be made to the owners, that the cellars may be appropriated to other purposes. I have known several industrious families lost to the community by a short residence in damp cellars.

The poor often suffer much from the shattered state of cellar windows. This is a trifling circumstance in appearance, but the consequences to the inhabitants are of the most serious kind. Fevers are among the usual effects; and I have often known consumptions that could be traced to this cause. Inveterate rheumatic complaints, which disable the sufferer from any kind of employment, are often

produced in the same manner. This source of disease may be expected to admit of easy removal, for it cannot be the interest of the proprietor of a cellar to have his tenants constantly sick.

I am persuaded that mischief frequently arises from a practice common in many narrow back streets of leaving the vaults of the privies open. I have often observed, that fevers prevail most in houses exposed to the effluvia of dunghills in such situations.

In a house in Bootle-street, most of the inhabitants are paralytic, in consequence of their situation in a blind alley, which excludes them from light and air. Consumptions, distortion, and idiocy, are common in such recesses.

In Blakeley-street, under No. 4, is a range of cellars let out to lodgers, which threaten to become a nursery of diseases. They consist of four rooms communicating with each other, of which the two centre rooms are completely dark; the fourth is very ill lighted, and chiefly ventilated through the others. They contain from four to five beds in each, and are already extremely dirty.

The lodging houses near the extremity of the town produce many fevers, not only by want of cleanliness and air, but by receiving the most offensive objects into beds which never seem to undergo any attempts towards cleaning them, from their first purchase till they rot under their tenants. The most fatal consequences have resulted from a nest of lodging houses in Brook's entry, near the bottom of Long-mill-gate, a *place which* I beg leave to recommend to the serious attention of the committee. In those houses a very dangerous fever constantly subsists, and has subsisted for a considerable number of years. I have known nine patients confined in fevers at the same time in one of those houses, and crammed into three small dirty rooms, without the regular attendance of any friend or of a nurse. Four of these poor creatures died absolutely for want of the common offices of humanity, and neglect in the administration of their medicines. In some other houses in the same nest, I have known a whole swarm of lodgers exposed to infection by the introduction of a fever patient, yet so far infatuated as to refuse to quit the house till all of them have been seized with the disorder. It must be observed, that persons newly arrived from the country are most liable to suffer from these

these causes, and as they are often taken ill within a few days after entering an infected house, there arises a double injury to the town from the loss of their labour, and the expense of supporting them in their illness. A great number of the home patients of the infirmary are of this description. The horror of those houses cannot be described; a lodger fresh from the country often lies down in a bed filled with infection by its last tenant, or from which the corps of a victim to fever has only been removed a few hours before.

The best method, perhaps, of giving an effectual check to these evils, would be to oblige all persons letting lodgings to take a licence, and to limit them in the number of their lodgers. By the terms of licence, they might also be obliged to white-wash their houses twice a year, which is a powerful method of preventing infection. When a fever appears in a house full of lodgers, all who are uninfected should be immediately removed to a clean house, and their cloths should be washed and scoured. When the fever has ceased, the bed-cloths and curtains of the infected room ought to be scoured, or otherwise cleaned, and a fresh application

application of white washing should be made. With proper care, indeed, the worst kind of fever may be confined to the patient's room, without danger to the rest of the family ; but no dependance can be placed on the conduct of the persons to whom I allude.

When the sick are destitute of beds they should be supplied by the town. It is obvious, that fevers, slight in their commencement, must be greatly aggravated, and must often become dangerous when the patient lies on a few rags in a cold garret, or damp cellar. This plan would require the appointment of inspectors of lodging houses, whose business it would be to visit houses which should be reported to them as infected, either by the neighbours, or by any medical gentleman, under whose observation such places should fall. They should be empowered to take proper steps for checking infection wherever it appears, and occasional inquiries might be made respecting the compliance of persons letting lodgings with the condition of their licences. This would answer a very desirable purpose respecting the police, independent of the advantages proposed regarding health. The keepers of the lodging houses
might

might be required to give an account of the name and occupation of every lodger whom they receive, and to become responsible, to a certain degree, for the truth of these reports. By this means a constant check might be maintained on houses, which at present are the refuge of the most profligate and dangerous part of society.

There is a practice, very common in small new buildings, which ought to be discouraged; that of putting up fixed windows without casements. Some part, if not the whole of the window, should always be moveable, especially where there is but a single window in the room. From the want of such a regulation, I have been often obliged to order several panes to be taken out of the windows of a fever room, to obtain a tolerable degree of ventilation.

It is sometimes difficult to prevent the master of a lodging house from turning a patient out doors in the height of a fever, when he apprehends that his other lodgers will desert him. Some interposition of authority should take place in such cases, both for the sake of humanity.

nity, and to prevent the unfortunate patient from spreading the disease into a fresh house.

When a house is infected in every room a nurse should be provided on whom dependance can be placed, to prevent unnecessary visits from neighbours and acquaintances. About two years ago, a fever of the worst kind was carried from a lodging house in Salford, where it had attacked all the inhabitants, to another in Milk-street, near the infirmary, where it seized several persons, in consequence of a thoughtless visit made by an acquaintance lodging in Milk-street. In this way fevers are sometimes introduced among the servants in opulent families.

The prevalence of fevers among persons employed in cotton mills might be lessened by an attention on the part of the overseers to the following circumstances, besides a due regard to ventilation. Personal cleanliness should be strongly recommended and encouraged; and the parents of children so employed should be enjoined to wash them every morning and evening, to keep their shoes and stockings in good condition, and, above all, never to send them to work early in the morning without giving them food.

food. It is greatly to be wished that the custom of working all night could be avoided; the continuance of such a practice cannot be consistent with health, and I am glad to find that it does not prevail universally.—Aikin's Manchester, page 193.

Aikin's Manchester, page 456.

THE cotton trade here (Duckinfield), while it affords employment to all ages, has debilitated the constitutions and retarded the growth of many, and made an alarming increase in the mortality. This effect is greatly to be attributed to the pernicious custom, so properly reprobated by Dr. Percival, and other physicians, of making the children in the mills work night and day, one set getting out of bed when another goes into the same, thus never allowing the rooms to be well ventilated.

Aikin's

*Aikin's Description of the Country round
Manchester, published June 1795. Stockdale.
Page 219,*

THE invention and improvements of machines to shorten labour has had a surprising influence to extend our trade, and also to call in hands from all parts, especially children for the *cotton mills*. It is the wise plan of Providence, that in this life there shall be no good without its attendant inconvenience. There are many which are too obvious in these cotton mills, and similar factories, which counteract that increase of population usually consequent on the improved facility of labour. In these, children of very tender age are employed; many of them collected from the *workhouses* in *London* and *Westminster*, and transported in crowds, as apprentices to masters resident many hundred miles distant, where they serve unknown, unprotected, and forgotten by those to whose care nature or the laws had consigned them. These children are usually too long confined to work in close rooms, often during the whole night: the air they breathe from the oil, &c. employed in the machinery, and other circum-

circumstances, is injurious ; little regard is paid to their cleanliness, and frequent changes from a warm and dense to a cold and thin atmosphere, are predisposing causes to sickness and disability, and particularly to the epidemic fever, which so generally is to be met with in these factories. It is also much to be questioned if society does not receive detriment from the manner in which children are thus employed during their early years. They are not generally strong to labour, or capable of pursuing any other branch of business when the term of their apprenticeship expires. The females are wholly uninstructed in sewing, knitting, and other domestic affairs, requisite to make them notable and frugal wives and mothers. This is a very great misfortune to them and the public, as is sadly proved by a comparison of the families of labourers in husbandry, and those of manufacturers in general. In the former we meet with neatness, cleanliness, and comfort ; in the latter with filth, rags, and poverty ; although their wages may be nearly double to those of the husbandman. It must be added, that the want of early religious instruction and example, are very unfavourable to their future conduct in life. To mention these

these grievances is to point out their remedies ; and in *many* factories they have been adopted with true benevolence and much success. But in all cases “ the public have a right to see that “ its members are not wantonly injured, or “ carelessly lost.”

APPENDIX No. II.

*Quotations from the Marquis BECCARIA'S
Essay on CRIMES and PUNISHMENTS;
being the only Passages of that Work ap-
plicable to our Laws and Customs.*

Lond. 4th edit. F. Newbery, 1775.

Introduction.—Par. 3.

—— — SURELY the groans of the weak, sacrificed to the cruel ignorance and indolence of the powerful; the filth and horrors of a prison ought to have roused the attention of those whose business is to direct the opinions of mankind.

Chap. iv.—Par. 3.

There is nothing more dangerous than the common axiom: *the spirit of the law is to be considered.* To adopt it is to give way to the
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torrent of opinions. This may seem a paradox to vulgar minds, which are more strongly affected by the smallest disorder before their eyes than by the most pernicious, though remote, consequences produced by one false principle adopted by a nation.

Chap. v.—Par. 1.

—— Crimes will be less frequent in proportion as the code of laws is more universally read and understood; for there is no doubt, but that the eloquence of the passions is greatly assisted by the ignorance and uncertainty of punishments.

Chap. vi.—Par. 1.

It is not only the common interest of mankind that crimes should not be committed, but that crimes of every kind should be less frequent in proportion to the evil they produce to society. Therefore the means made use of by the legislature to prevent crimes should be more powerful in proportion as they are destructive of the public safety and happiness, and as the inducements to commit them are

stronger: therefore there ought to be a fixed proportion between crimes and punishments.

Par. 2. That force, which continually impels us to our own private interest, like gravity, acts incessantly, unless it meets with an obstacle to oppose it.

Par. 3. The necessity of uniting in society being granted, together with the conventions, which the opposite interests of individuals must necessarily require, a scale of crimes may be formed, of which the first degree should consist of those, which immediately tend to the dissolution of society, and the last of the smallest possible injustice done to a private member of that society. Between these extremes will be comprehended all actions contrary to the public good, which are called criminal, and which descend by insensible degrees, decreasing from the highest to the lowest. If mathematical calculation could be applied to the obscure and infinite combinations of human actions, there might be a corresponding scale of punishments, descending from the greatest to the least; but it will be sufficient that the wise legislature mark the principal divisions, without disturbing the order, least to crimes of the

first degree be assigned punishments of the *last*. If there were an exact and universal scale of crimes and punishments, we should there have a common measure of the degree of liberty and slavery, humanity and cruelty of different nations.

Par. 6. — — — If an equal punishment be ordained for two crimes that injure society in different degrees, there is nothing to deter men from committing the greater as often as it is attended with greater advantages.

Chap. xii.—Par. 2.

The end of punishment therefore is no other than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence. Such punishments, therefore, and such a mode of inflicting them ought to be chosen as will make the strongest and most lasting impressions on the minds of others, with the least torment to the body of the criminal,

Chap. xiii.—Par. 4.

— — — In like manner in cases of wanton cruelty, the presumption is always against

the accuser; for no man is cruel without some interest, without some motive of fear or hate. There are no spontaneous or superfluous sentiments in the heart of man; they are all the result of impressions on the senses.

Chap. xvii.—Par. 1.

There was a time when all punishments were pecuniary. The crimes of the subjects were the inheritance of the prince. An injury done to society was a favour to the crown; and the sovereign and magistrates, those guardians of the public security, were interested in the violation of the laws. Crimes were tried at that time in a court of exchequer, and the cause became a civil suit between the person accused and the crown.

Chap. xviii.—Par. 1.

—— — The motives which religion opposes to the fear of impending evil, and the love of life are too weak, as they are too distant, to make any impression on the senses. The affairs of the other world are regulated by laws intirely different from those by which human affairs are directed,

Chap.

Chap. xix.—Par. I

— — In general, as I have before observed, the degree of the punishments, and the consequences of a crime, ought to be so contrived as to have the greatest possible effect on others, with the least possible pain to the delinquent. If there be any society in which this is not a fundamental, it is an unlawful society; for mankind, by their union, originally intended to subject themselves to the least evil possible.

Par. 4. There is another excellent method of strengthening this important connection between the ideas of crime and punishment; that is, to make the punishment as analogous as possible to the nature of the crime, in order that the punishment may lead the mind to consider the crime in a different point of view from that in which it was placed by the flattering idea of promised advantages.

Par. 5. Crimes of less importance are punished either in the obscurity of a prison, or the criminal is *transported*, to give, by his slavery, an example to societies which he never

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offended;

offended; an example absolutely useless, because distant from the place where the crime was committed.

Chap. xx.

Some crimes relate to *person*, others to *property*. The first ought to be punished corporally. The great and rich should by no means have it in their power to set a price on the security of the weak and indigent; for then riches, which, under the protection of the laws, are the reward of industry, would become the aliment of tyranny. Liberty is at an end whenever the laws permit, that in certain cases a man may cease to be a *person*, and become a *thing*. Then will the powerful employ their address to select, from the various combinations of civil society, all that is in their own favour. This is that magic art which transforms subjects into beasts of burden; and which, in the hands of the strong, is the chain that binds the weak and incautious. Thus it is that in some governments, where there is all the appearance of liberty, tyranny lies concealed, and insinuates itself into some neglected corner of the constitution, where it gathers strength insensibly. Mankind generally oppose, with resolution,
the

the assaults of barefaced and open tyranny ; but disregard the little insect that gnaws through the dyke, and opens a sure though secret passage to inundation.

Chap. xxii.—Par. 1.

The punishment of robbery not accompanied with violence should be pecuniary. He who endeavours to enrich himself with the property of another, should be deprived of part of his own : but this crime, alas ! is commonly the effect of misery and despair ; the crime of that unhappy part of mankind, to whom the right of exclusive property (a terrible and perhaps unnecessary right), has left but a bare existence. Besides, as pecuniary punishments may increase the number of robbers, by increasing the number of poor, and may deprive an innocent family of subsistence, the most proper punishment will be that kind of slavery which alone can be called just ; that is, which makes the society, for a time, absolute master of the person and labour of the criminal, in order to oblige him to repair, by this dependance, the unjust despotism he usurped over the property of another, and his violation of the social compact.

Par. 2.

Par. 2. When robbery is attended with violence, corporal punishment should be added to slavery. Many writers have shown the evident disorder which must arise from not distinguishing the punishment due to robbery with violence, and that due to theft or robbery committed with dexterity, absurdly making a sum of money equivalent to a man's life. But it can never be superfluous to repeat again and again those truths, of which mankind have not profited; for political machines preserve their motions much longer than others, and receive a new impulse with more difficulty. These crimes are in their nature absolutely different, and this axiom is as certain in politics as in mathematics, that between qualities of different natures there can be no similitude.

Chap. xxvii.—Par. 1.

The course of my ideas has carried me away from my subject, to the elucidation of which I now return. Crimes are more effectually prevented by the *certainty* than the *severity* of punishment. Hence in a magistrate the necessity of vigilance, and in a judge of implacability, which, that it may become an useful virtue, should be joined to a mild legislation. The
certainty

certainty of a small punishment will make a stronger impression than the fear of one more severe, if attended with the hopes of escaping; for it is the nature of mankind to be terrified at the approach of the smallest inevitable evil, whilst hope, the best gift of heaven, hath the power of dispelling the apprehension of a greater, especially if supported by examples of impunity, which weakness or avarice too frequently afford.

Par. 2. If punishments be very severe, men are naturally led to the perpetration of other crimes, to avoid the punishment due to the first. The countries and times most notorious for severity of punishments were always those in which the most bloody and inhuman actions, and the most atrocious crimes, were committed; for the hand of the legislator and assassin were directed by the same spirit of ferocity, which, on the throne, dictated laws of iron to slaves and savages, and in private instigated the subject to sacrifice one tyrant to make room for another,

Par. 3. In proportion as punishments become more cruel, the minds of men, as a fluid rises to the same height with that which surrounds

rounds it, grow hardened and insensible; and the force of the passions still continuing, in the space of one hundred years, the *wheel* terrifies no more than formerly the *prison*. That a punishment may produce the effect required, it is sufficient that the *evil* it occasions should exceed the *good* expected from the crime; including in the calculation the certainty of the punishment, and the privation of the expected advantage. All severity beyond this is superfluous, and therefore tyrannical,

Par. 4. Men regulate their conduct by the repeated impresson of evils they know, and not by those with which they are unacquainted. Let us, for example, suppose two nations, in one of which the greatest punishment is *perpetual slavery*, and in the other the *wheel*. I say, that both will inspire the same degree of terror, and that there can be no reasons for increasing the punishments of the first, which are not equally valid for augmenting those of the second to more lasting and more ingenious modes of tormenting, and so on to the most exquisite refinements of a science too well known to tyrants.

Par. 5.

Par. 5. There are yet two other consequences of cruel punishments, which counteract the purpose of their institution, which was to prevent crimes. The *first* arises from the impossibility of establishing an exact proportion between the crime and punishment, for though ingenious cruelty hath greatly multiplied the variety of torments, yet the human frame can suffer only to a certain degree, beyond which it is impossible to proceed, be the enormity of the crime ever so great. The *second* consequence is impunity. Human nature is limited no less in evil than in good. Excessive barbarity can never be more than temporary; it being impossible that it should be supported by a permanent system of legislation; for if the laws be too cruel they must be altered, or anarchy and impunity will succeed.

Chap. xxviii.—Par. 1.

Of the Punishment of Death.

The useless profusion of punishments, which has never made men better, induces me to inquire, whether the punishment of *death* be really just or useful in a well governed state? What *right*, I ask, have men to cut the throats of their fellow creatures? Certainly not that
on

on which the sovereignty and laws are founded. The laws, as I have said before, are only the sum of the smallest portions of the private liberty of each individual, and represent the general will, which is the aggregate of that of each individual. Did any one ever give to others the right of taking away his life? Is it possible, that in the smallest portions of the liberty of each, sacrificed to the good of the public, can be contained the greatest of all good, life? If it were so, how shall it be reconciled to the maxim which tells us, that a man has no right to kill himself? Which he certainly must have, if he could give it away to another.

Par. 2. But the punishment of death is not authorised by any right; for I have demonstrated that no such right exists. It is therefore a war of a whole nation against a citizen, whose destruction they consider as necessary or useful to the general good. But if I can further demonstrate, that it is neither necessary nor useful, I shall have gained the cause of humanity

Par. 3. The death of a citizen cannot be necessary, but in one case. When, though deprived

deprived of his liberty, he has such power and connexions as may endanger the security of the nation, when his existence may produce a dangerous revolution in the established form of government. But even in this case, it can only be necessary when a nation is on the verge of recovering or losing its liberty; or in times of absolute anarchy, when the disorders themselves hold the place of laws. But in a reign of tranquillity; in a form of government approved by the united wishes of the nation; in a state well fortified from enemies without, and supported by strength within, and opinion, perhaps more efficacious; where all power is lodged in the hands of a true sovereign; where riches can purchase pleasures and not authority, there can be no necessity for taking away the life of a subject.

Par. 4. If the experience of all ages be not sufficient to prove, that the punishment of death has never prevented determined men from injuring society; if the example of the Romans, if twenty years reign of Elizabeth, Empress of Russia, in which she gave the fathers of their country an example more illustrious than many conquests bought with blood; if, I say, all this is not sufficient to persuade man-

mankind, who always suspect the voice of reason, and who chuse rather to be led by authority, let us consult human nature in proof of my assertion.

Par. 5. It is not the intenseness of the pain that has the greatest effect on the mind, but its continuance; for our sensibility is more easily and more powerfully affected by weak, but repeated impressions, than by a violent, but momentary impulse. The power of habit is universal over every sensible being. As it is by that we learn to speak, to walk, and to satisfy our necessities, so the ideas of morality are stamped on our minds by repeated impressions. The death of a criminal is a terrible but momentary spectacle, and therefore a less efficacious method of deterring others than the continued example of a man deprived of his liberty, condemned as a beast of burthen, to repair by his labour the injury he has done society. *If I commit such a crime, says the spectator to himself, I shall be reduced to that miserable condition for the rest of my life.* A much more powerful preventive than the fear of death, which men always behold in distant obscurity.

Par.

Par. 6. The terrors of death make so slight an impression, that it has not force enough to withstand the forgetfulness natural to mankind, even in the most essential things, especially when assisted by the passions. Violent impressions surprise us, but their effect is momentary; they are fit to produce those revolutions which instantly transform a common man into a Lacedemonian or a Persian; but in a free and quiet government they ought to be rather frequent than strong.

Par. 7. The execution of a criminal is, to the multitude, a spectacle, which in some excites compassion mixed with indignation.—These sentiments occupy the mind much more than that salutary terror which the laws endeavour to inspire; but in the contemplation of continued suffering, terror is the only, or at least predominant, sensation. The severity of a punishment should be just sufficient to excite compassion in the spectators, as it is intended more for them than for the criminal.

Par. 8. A punishment, to be just, should have only that degree of severity which is sufficient to deter others. Now there is no man, who, upon the least reflection, would put in competition

X

tition the total and perpetual loss of his liberty with the greatest advantages he could possibly obtain in consequence of a crime. Perpetual slavery, then, has in it all that is necessary to deter the most hardened and determined as much as the punishment of death. I say it has more. There are many who can look upon death with intrepidity and firmness; some through fanaticism, and others through vanity, which attends us even to the grave; others from a desperate resolution, either to get rid of their misery, or cease to live: but fanaticism and vanity forsake the criminal in slavery, ——— ——— ——— ——— ———; and despair seems rather the beginning than the end of their misery. The mind, by collecting itself and uniting all its force, can, for a moment, repel afflicting grief; but its most vigorous efforts are insufficient to resist perpetual wretchedness.

Par. 10. I shall be told, that perpetual slavery is as painful a punishment as death, and therefore as cruel. I answer, that if all the miserable moments in the life of a slave were collected into one point, it would be a more cruel punishment than any other; but these are scattered through his whole life, whilst the pain of death exerts all its force in a moment.

There

There is also another advantage in the punishment of slavery; which is, that it is more terrible to the spectator than to the sufferer himself; for the spectator considers the sum of all his wretched moments, whilst the sufferer, by the misery of the present, is prevented from thinking of the future. All evils are increased by the imagination, and the sufferer finds resources and consolations, of which the spectators are ignorant; who judge by their own sensibility of what passes in a mind by habit grown callous to misfortune.

Par. 11. Let us, for a moment, attend the reasoning of a robber or assassin, who is deterred from violating the laws by the gibbet or the wheel. I am sensible that to develope the sentiments of one's own heart, is an art which education only can teach: but although a villain may not be able to give a clear account of his principles, they nevertheless influence his conduct. He reasons thus, "What are these
" laws, that I am bound to respect, which
" make so great a difference between me and
" the rich man? He refuses me the farthing
" I ask of him, and excuses himself, by bid-
" ding me have recourse to labour with which
" he is unacquainted. Who made these laws?

“ the rich and the great, who never deigned to
 “ visit the miserable hut of the poor ; who have
 “ never seen him dividing a piece of mouldy
 “ bread, amidst the cries of his famished chil-
 “ dren and the tears of his wife. Let us break
 “ those ties, fatal to the greatest part of man-
 “ kind, and only useful to a few indolent
 “ tyrants. Let us attack injustice at its source.
 “ I will return to my natural state of indepen-
 “ dence. I shall live free and happy on the
 “ fruits of my courage and industry. A day
 “ of pain and repentance may come, but it
 “ will be short ; and for an hour of grief I
 “ shall enjoy years of pleasure and liberty.”

Par. i 3. But he who foresees, that he must
 pass a great number of years, even his whole
 life, in pain and slavery ; a slave to those laws
 by which he was protected, in sight of his
 fellow citizens, with whom he lives in freedom
 and society ; makes a useful comparison be-
 tween those evils, and the uncertainty of suc-
 cess, and the shortness of the time in which he
 shall enjoy the fruits of his transgression. The
 example of those wretches continually before
 his eyes, makes a much greater impression on
 him

him than a punishment, which, instead of correcting, makes him more obdurate.

Par. 14. The punishment of death is pernicious to society, from the example of barbarity it affords. If the passions, or the necessity of war, have taught men to shed the blood of their fellow creatures, the laws, which are intended to moderate the ferocity of mankind, should not increase it by examples of barbarity, the more horrible, as this punishment is usually attended with formal pageantry. Is it not absurd, that the laws, which detest and punish homicide, should, in order to prevent murder, publicly commit murder themselves? What are the true and most useful laws? Those compacts and conditions which all would propose and observe, in those moments when private interest is silent or combined with that of the public. What are the natural sentiments of every person concerning the punishment of death? We may read them in the contempt and indignation with which every one looks on the executioner, who is nevertheless an innocent executor of the public will; a good citizen, who contributes to the advantage of society; the instrument of the general security within, as good soldiers are without. What

then is the origin of this contradiction? Why is this sentiment of mankind indelible, to the scandal of reason? It is, that in a secret corner of the mind, in which the original impressions of nature are still preserved, men discover a sentiment which tells them, that their lives are not lawfully in the power of any one, but of that necessity only, which with its iron sceptre rules the universe.

Par. 15. What must men think, when they see wise magistrates and grave ministers of justice, with indifference and tranquillity, dragging a criminal to death; and whilst a wretch trembles with agony, expecting the fatal stroke, the judge, who has condemned him, with the coldest insensibility, and perhaps with no small gratification from the exertion of his authority, quits his tribunal to enjoy the comforts and pleasures of life? ————

Par. 16. If it be objected, that all nations in all ages have punished certain crimes with death, I answer, that the force of these examples vanishes, when opposed to truth, against which prescription is urged in vain. The history of mankind is an immense sea of errors,
in

in which a few obscure truths may here and there be found.

Par. 17. But human sacrifices have also been common in almost all nations. That some societies only, either few in number, or for a very short time, abstained from the punishment of death is rather favourable to my argument, for such is the fate of great truths, that their duration is only as a flash of lightening in the long and dark night of error. The happy time is not yet arrived, when truth, as falsehood has been hitherto, shall be the portion of the greatest number.

Par. 18. I am sensible that the voice of one philosopher is too weak to be heard amidst the clamours of a multitude, blindly influenced by custom; but there is a small number of sages, scattered on the face of the earth, who will echo to me from the bottom of their hearts; and if these truths should haply force their way to the thrones of princes, be it known to them, that they come attended with the secret wishes of all mankind; and tell the sovereign who deigns them a gracious reception, that his fame shall outshine the glory of conquerors, and that equitable posterity will exalt his peaceful trophies

trophies above those of a Titus, an Antoninus, or a Trajan.

Chap. xxxi.—Par. 11.

————— The punishment of a crime cannot be just (that is necessary), if the laws have not endeavoured to prevent that crime by the best means which times and circumstances would allow.

Chap. xxxii.—Par. 5.

————— The most certain method of keeping a man at home is to make him happy; and it is the interest of every state to turn the balance, not only of commerce, but of felicity in favour of its subjects.

Chap. xxxiii.—Par. 1.

————— By inflicting infamous punishments for crimes that are not reputed so, we destroy that idea where it may be useful. If the same punishment be decreed for killing a pheasant as for killing a man, or for forgery, all difference between those crimes will shortly vanish. It is thus that moral sentiments

timents are destroyed in the heart of man; sentiments, the work of many ages and of much bloodshed; sentiments that are so slowly and with so much difficulty produced, and for the establishment of which such sublime motives, and such an apparatus of ceremonies, were thought necessary.

Chap. xxxiv.—Par. 5.

—— ——— ——— But unhappily the most simple, the easiest, yet the wisest laws, that wait only for the nod of the legislature to diffuse through nations wealth, power, and felicity; laws, which would be regarded by future generations with eternal gratitude, are either unknown or rejected. A restless and trifling spirit, the timid prudence of the present moment, a mistrust and aversion to the most useful novelties, possess the minds of those who are empowered to regulate the actions of mankind.

Chap. xxxvii.—Par. 3.

In some tribunals a pardon is offered to an accomplice in a great crime if he discover his associates.

associates. This expedient has its advantages and disadvantages. The disadvantages are, that the law authorises treachery which is detested even by the villains themselves; and introduces crimes of cowardice, which are much more pernicious to a nation than crimes of courage. Courage is not common, and only wants a benevolent power to direct it to the public good. Cowardice, on the contrary, is a frequent self-interested and contagious evil, which can never be improved into virtue. Besides, the tribunal which has recourse to this method betrays its fallibility, and the laws their weakness, by imploring the assistance of those by whom they are violated.

Par. 4. The advantages are, that it prevents great crimes, the effects of which being public, and the perpetrators concealed, terrify the people. It also contributes to prove, that he who violates the laws, which are public conventions, will also violate private compacts. It appears to me, that a general law, promising a reward to every accomplice who discovers his associates, would be better than a special declaration in every particular case, be-
cause

cause it would prevent the union of those villains, as it would inspire a mutual distrust, and each would be afraid of exposing himself alone to danger. The accomplice, however, should be pardoned on condition of transportation. But it is in vain that I torment myself with endeavouring to extinguish the remorse I feel in attempting to induce the sacred laws, the muniment of public confidence, the foundation of human morality, to authorise dissimulation and perfidy.

Chap. xli.—Par. 1.

It is better to prevent crimes than to punish them.—This is the fundamental principle of good legislation, which is the art of conducting men to the *maximum* of happiness, and to the *minimum* of misery, if we may apply this mathematical expression to the good and evil of life. — — — — —

Par. 2. Would you prevent crimes? Let the laws be clear and simple; let the entire force of the nation be united in their defence:
— — — — —

Chap.

Chap. lxiv.

Yet another method of preventing crimes is to reward virtue. Upon this subject the laws of all nations are silent. If the rewards proposed by academies for the discovery of useful truths have increased our knowledge, and multiplied good books, is it not probable that rewards, distributed by the beneficent hand of a sovereign, would also multiply virtuous actions? The coin of honour is inexhaustible, and is abundantly fruitful in the hands of a prince who distributes it wisely.

Chap. xlv.—Par. I.

—— The most certain method of preventing crimes is to perfect the system of education. But this is an object too vast, and exceeds my plan; an object, if I may venture to declare it, which is so intimately connected with the nature of government, that it will always remain a barren spot, cultivated only by a few wise men.

Chap.

Chap. xlv. — Par. i.

As punishments become more mild, clemency and pardon are less necessary. Happy the nation in which they will be considered as dangerous! Clemency, which has often been deemed a sufficient substitute for every other virtue in sovereigns, should be excluded in a perfect legislation, where punishments are mild, and the proceedings in criminal cases regular and expeditious. This truth will seem cruel to those who live in countries, where, from the absurdity of the laws, the severity of punishments, pardons, and the clemency of the prince, are necessary. It is indeed one of the noblest prerogatives of the throne, but at the same time a tacit disapprobation of the laws. Clemency is a virtue which belongs to the legislature, and not to the executor of the laws; a virtue which ought to shine in the code, and not in private judgment. To shew mankind that crimes are sometimes pardoned, and that punishment is not the necessary consequence, is to nourish the flattering hope of impunity, and is the cause of their considering every punishment inflicted as an act of injustice and oppression. The prince

in pardoning gives up the public security in favour of an individual, and by his ill-judged benevolence proclaims a public act of impunity. Let, then, the executors of the laws be inexorable, but let the legislator be tender, indulgent, and humane.

Par. 2. A small crime is sometimes pardoned, if the person offended chooses to forgive the offender. This may be an act of good-nature and humanity, but it is contrary to the good of the public. For although a private citizen may dispense with satisfaction for the injury he has received, he cannot remove the necessity of example. The right of punishment belongs not to any individual in particular, but to society in general, or the sovereign. He may renounce his own portion of his right, but cannot give up that of others.

Chap. xlvii.—Par. 1.

I conclude with this reflection, that the severity of punishments ought to be in proportion to the state of the nation. Among a people hardly yet emerged from barbarity they should

should be most severe, as strong impressions are required ; but in proportion as the minds of men become softened by their intercourse in society, the severity of punishments should be diminished, if it be intended that the necessary relation between the object and the sensation should be maintained.



APPENDIX, No. III.

ABSTRACT of the Returns made by the Overseers of the Poor, in pursuance of an Act, passed in the 26th Year of His present Majesty's Reign, intituled "An Act for obliging Overseers of the Poor to make Returns, " upon Oath, to certain Questions specified therein relative to the State of the Poor."—Printed 1787.

NAMES OF COUNTIES IN ENGLAND.	Medium of monies raised by assessment in 1783, 1784, and 1785.			Expenses not applicable to the Poor.			Medium of nett mon- ey annually paid for the poor in the years 1783, 1784, and 1785.	Nett expenses for the poor in 1776, taken from the re- turn then made to parliament.	Heads of particular Expenses.																		
				Medium of money applied for county purposes, including vagrants, militia, bridges, goals, houses of correc- tion, &c.	Medium of ex- penses for repair- ing churches, roads, &c. Sala- ries to ministers, &c.	Overseers in journies and at- tendances on ma- gistrates, &c.			Entertainments at meetings relative to the poor.	Law business, or- ders, examina- tions, and other proceedings rela- tive to the poor.	Expended in set- ting the poor on work.																
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.									
Bedford	22638	2	5	1276	6	7	384	14	11	20977	0	11	16662	17	1	175	18	10	161	13	7	313	7	6	21	5	4
Berks	49646	8	10	1940	10	4	690	8	5	47006	10	1	36718	2	8	455	4	1	219	16	3	947	0	1	348	13	11
Bucks	49020	15	1	2608	1	4	1072	13	6	45340	0	3	31745	16	0	467	1	9	277	7	8	998	2	1	351	13	7
Cambridge	28838	0	7	1728	4	8	934	3	1	26175	12	10	18079	10	10	231	5	0	137	19	0	677	3	0	89	3	5
Chester	40848	11	6	1179	1	7	377	9	0	39292	0	11	29644	13	2	553	15	3	274	8	10	1103	15	1	292	4	8
Cornwall	30993	15	2	2173	18	2	287	17	3	28531	19	9	22004	11	10	365	5	9	179	1	8	959	19	0	43	8	0
Cumberland	12002	17	8	112	4	2	203	0	2	11687	13	4	8029	19	2	315	15	6	59	13	10	500	9	11	69	7	6
Derby	24973	1	6	1193	2	3	855	4	0	22924	15	3	17441	1	8	547	12	8	200	2	1	1198	17	10	262	2	11
Devon	85805	14	7	4314	18	10	809	4	4	80681	11	5	62481	2	6	731	6	11	325	12	4	2762	12	11	295	15	11
Dorset	34620	4	8	2644	10	6	447	5	8	31528	8	6	24538	5	8	452	5	5	124	4	0	1125	19	3	127	4	0
Durham	21701	12	5	1652	2	9	518	17	4	19530	12	4	14440	13	4	416	4	9	145	4	3	491	5	6	144	7	8
Essex	103255	5	10	6128	11	8	2556	19	8	94569	14	6	74067	3	5	980	17	6	936	9	1	2041	1	7	436	1	6
Gloucester	69114	8	4	3334	18	2	884	4	6	64895	5	8	53812	3	1	584	16	1	175	12	11	1470	8	10	208	10	1
Hereford	17987	12	2	795	7	4	464	6	8	16727	18	2	10393	7	2	320	14	9	92	8	10	645	2	9	166	18	6
Hertford	36634	8	1	2365	11	0	1489	7	5	32779	9	8	25486	9	0	331	8	3	226	19	2	563	18	10	240	7	8
Huntingdon	13889	15	8	1057	15	8	669	5	7	12162	14	5	7659	3	11	151	7	7	75	12	11	206	3	0	69	6	10
Kent	113061	0	4	5482	5	4	972	7	1	106606	7	11	80150	10	0	1302	4	0	636	7	6	2022	16	0	2234	7	5
Lancaster	80301	8	11	5415	1	1	1522	13	2	73363	14	8	52220	0	11	1357	6	9	409	9	4	2478	4	3	884	18	11
Leicester	33547	5	3	1983	2	4	758	17	11	30805	5	0	24339	16	4	484	9	6	146	5	4	966	3	4	165	16	5
Lincoln	47190	17	4	3002	11	8	1164	3	2	43024	2	6	31930	8	7	760	13	0	325	16	1	1082	1	2	479	19	9
Middlesex	102874	10	8	5377	8	3	3484	4	10	94012	17	7	80226	18	0	899	15	2	822	8	10	2907	15	10	805	8	8
London	55678	8	3	137	2	11	2883	13	10	52657	11	6	49067	0	2	228	2	10	757	11	7	1414	3	1	86	12	1
Westminster	52359	10	7	3232	7	1	271	1	5	48856	2	1	44969	3	1	318	17	6	115	6	10	807	8	8	488	6	11
Monmouth	9989	14	4	1548	11	1	333	2	0	8108	1	3	5575	1	7	184	14	10	93	10	5	488	17	2	12	11	3
Norfolk	100988	0	6	4375	17	8	1941	5	5	94670	17	5	64296	13	10	816	11	8	394	11	1	1683	13	1	303	13	9
Northampton	49623	0	8	2303	9	9	1240	2	4	46079	8	7	35232	15	8	456	14	1	271	4	4	1080	7	3	307	11	7
Northumberland	21263	16	7	376	19	8	149	0	9	20737	16	2	14698	12	0	312	5	10	66	18	4	436	11	5	58	13	10
Nottingham	21520	2	7	2221	0	11	1230	12	11	18068	8	9	11833	1	11	460	16	5	164	11	5	1023	8	10	479	9	8
Oxford	38348	8	11	1653	18	4	585	7	2	36109	3	5	28750	4	9	352	1	1	190	11	2	954	0	3	289	14	9
Rutland	3855	7	10	217	0	7	101	2	2	3537	5	1	2664	6	6	31	16	7	15	3	7	48	10	1	5	7	11
Salop	37048	4	10	2614	18	3	496	4	4	33937	2	3	22316	10	1	516	16	6	75	4	4	1032	3	11	419	16	4
Somerset	71045	16	7	3563	1	9	1215	14	1	66267	0	9	50271	5	2	833	0	6	317	7	2	2869	9	1	230	17	4
Southampton	66002	6	3	6053	17	2	991	19	10	58956	9	3	48928	8	2	794	11	7	251	18	4	2509	13	2	272	5	4
Stafford	45404	10	10	3261	5	4	1179	11	11	40963	13	7	32088	17	1	619	0	6	198	5	11	1610	13	11	228	13	8
Suffolk	74284	14	2	3134	18	8	1742	7	5	69407	8	1	56804	0	5	729	8	3	237	1	8	1146	16	0	107	11	2
Surry	71539	1	10	6537	1	1	2446	10	1	66155	10	8	49743	19	8	810	13	6	510	17	9	1888	8	4	731	12	11
Suffex	77446	8	3	2143	11	10	2425	5	7	72877	10	10	54734	8	7	839	3	2	457	7	7	1445	0	6	2124	13	3
Warwick	65683	7	6	5305	7	3	820	11	1	59557	9	2	44070	11	0	807	19	6	281	10	6	1790	12	3	401	14	8
Westmoreland	5756	19	3	104	3	4	36	3	8	5616	12	3	2834	8	0	93	1	6	35	4	11	168	6	3	9	5	3
Wilts	66423	7	5	2900	19	10	629	5	11	62893	1	8	54021	10	10	538	13	1	149	13	0	1813	7	8	434	11	9
Worcester	38134	14	2	2730	12	6	895	1	11	34508	19	9	26755	0	9	486	18	6	173	5	3	849	6	1	116	11	3
York, East Riding	15835	0	7	270	19	11	64	12	10	15499	7	10	11036	9	7	284	8	10	104	8	1	541	12	8	131	2	11
North ditto	19777	8	4	638	14	5	272	17	4	18865	16	7	12676	1	8	146	2	0	134	10	3	591	7	10	145	6	9
West ditto	70033	9	8	2614	2	6	724	3	11	66695	3	3	50688	1	5	997	14	1	380	18	11	2110	5	9	557	7	9
Totals in England	2100587	16	11	113714	15	6	43223	5	7	1943649	15	10	1496129	6	3	23545	0	10	11329	15	11	53757	11	0	15680	14	9
Anglesey	1082	5	10	72	14	1	79	6	3	930	5	6	169	1	9	77	7	8	1	13	9	54	0	8	0	0	0
Brecon	4666	2	5	344	11	9	84	0	6	4237	10	2	2407	15	2	58	6	7	30	15	11	151	10	0	6	18	5
Cardigan	2434	13	7	115	19	7	70	12	8	2248	1	4	1084	18	1	48	17	5	31	10	10	99	13	7	11	19	6
Carmarthen	6336	14	9	542	16	1	122	14	5	5671	3	3	2948	4	8	6	4	9	30	6	10	169	12	5	47	7	6
Carnarvon	1687	14	8	17	0	0	91	8	7	1579	6	1	471	17	8	78	0	8	6	7	6	87	3	8	1	16	7
Denbigh	11318	2	6	1522	6	6	33	16	0	9762	0	0	5364	14	5	96	10	0	32	19	5	160	2	8	28	9	6
Flint	7958	9	9	832	18	1	49	6	3	7076	5	5	4043	12	0	76	9	4	23	4	0	293	9	1	79	0	7
Glamorgan	9750	4	0	682	18	5	249	14	10	8817	10	9	5300	19	11	162	2	2	80	9	10	448	6	7	13	14	6
Merioneth	2279	15	1	5	15	7	17	17	9	2256	1	9	1046	16	5	36	16	3	27	9	0	75	7	11	0	7	2
Montgomery	9495	8	10	463	5	0	61	6	8	8970	17	2	5508	15	7	127	1	1	58	6	5	232	12	8	4	10	11
Pembroke	5704	5	7	465	5	6	88	5	0	5150	15	1	3049	8	3	109	18	8	16	8	6	136	17	11	14	12	6
Radnor	4447	19	9	500	0	9	59	5	5	3888	13	7	2254	9	11	71	3	1	44	12	10	124	14	4	2	15	11
Totals in Wales	67161	16	9	5565	11	4	1007	15	4	60588	10	1	33650	13	10	948	17	8	383	4	10	2033	11	6	211	14	1
Totals England and Wales	2167749	13	8	119280	6	10	44231	0	11	2004238	5	11	1529780	0	1	42											

Note. It is very remarkable in this Return that the Expenses of the County of Kent are more than the three Ridings of York-shire by 5546l. os. 3d. viz.

County of Kent	£.	s.	d.	£.	s.	d.
Yorkshire, East Riding	15499	7	10	106606	7	11
North ditto	18865	16	7			
West ditto	66695	3	3			
	101060	7	8			
	5546	0	3			
				106606	7	11